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14  
15 **SUPERIOR COURT OF CALIFORNIA**  
16 **COUNTY OF LOS ANGELES**

17 ALI WINSTON, an individual; KELLY LYTL  
HERNANDEZ, an individual; SHAWN NEE, an  
18 individual; AMERICAN CIVIL LIBERTIES UNION  
OF SOUTHERN CALIFORNIA,  
19  
20 *Petitioners and Plaintiffs,*  
  
21 v.  
22 LOS ANGELES POLICE DEPARTMENT,  
23  
24 *Respondent and Defendant.*

**FILED**  
Superior Court of California  
County of Los Angeles  
JUN 20 2017  
Sherri R. Carter, Executive Officer/Clerk  
By Fernando Becerra, Jr., Deputy

CASE NO. BS 169474  
  
**AMENDED**  
**VERIFIED PETITION**  
**FOR WRIT OF MANDATE AND**  
**COMPLAINT FOR DECLARATORY**  
**AND**  
**INJUNCTIVE RELIEF**  
**(Code of Civ. Proc. §§ 526a, 1060,**  
**1085; Gov't Code 6250 et seq.)**

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## INTRODUCTION

1. Under the California Constitution, the people have a “right of access to government information.” Cal. Const. art. 1 § 3. In recognition of this right, the California legislature created the California Public Records Act (the “CPRA”), a comprehensive framework enabling citizens to access government records. In doing so, the legislature affirmed that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” Gov’t Code § 6250.

2. The CPRA lays out a specific process for facilitating public access to records. First, a member of the public submits a records request to an agency. The agency then has ten days to notify the requestor of whether it will grant the request. *Id.* § 6253(c). In “unusual circumstances,” an agency may extend this timeframe for up to fourteen additional days. *Id.* If the agency determines that the request seeks disclosable public records, it must state the estimated date and time at which it will make the records available. *Id.* After making a determination, the agency must “promptly” make the records available to the requestor. *Id.* § 6253(b).

3. The Los Angeles Police Department (“LAPD”) systemically fails to comply with the CPRA. By its own admission, the LAPD as a matter of standard practice does not respond to public records requests within the timeframe or in the manner required by law. The LAPD refuses to enforce policies or institute protocol to ensure CPRA compliance, and it willfully fails to allocate sufficient staff or resources to timely respond to records requests. By regularly requiring persistent inquiries and threat of litigation before even partially responding to CPRA requests, the LAPD discourages members of the public from submitting and following up on requests for information—particularly when they lack the resources to enforce their rights under the CPRA. Thus, the LAPD undermines the public access to government information that is the central purpose of the CPRA. Petitioner-Plaintiffs therefore seek relief to compel the LAPD’s compliance with the CPRA for all requestors.

4. This complaint-petition details the LAPD’s pattern and practice of failing to comply with the CPRA’s requirements through the experiences of four Plaintiffs-Petitioners (hereinafter, “Petitioners”): Ali Winston, a journalist; Kelly Lytle Hernandez, a UCLA professor; Shawn Nee, a photographer and community activist; and the ACLU of Southern California, a non-profit, non-partisan

1 civil rights organization. Based on their occupations and community activities, all Petitioners regularly  
2 submit public records requests to LAPD and intend to do so in the future. Their experiences demonstrate  
3 by example the LAPD's persistent refusal to follow state right of access law.

4 5. For example, Petitioners document herein nearly a dozen instances in which the LAPD  
5 not only failed to provide a determination within ten or twenty-four days, but failed to respond to the  
6 request at all. In many cases, this failure to notify requestors of the LAPD's determinations has stretched  
7 on for years and is ongoing. In other instances, the LAPD replied to requests several months after the  
8 expiration of its statutory deadlines—only to produce incomplete and unsatisfactory responses.

9 6. More and more, police departments throughout the United States acknowledge the value  
10 of transparency—to increase public trust, promote better law enforcement, and facilitate effective  
11 oversight. *See, e.g.,* U.S. Dep't of Justice, Office of Community Policing Servs., *Final Report of the*  
12 *President's Task Force on 21st Century Policing* (May 2015), 12-13, 21-22. The LAPD's pattern and  
13 practice of violating the CPRA and ignoring requests for public information is not only unlawful, but  
14 also out of step with recognized standards for law enforcement agencies. *Id.*

15 7. The subject matter of Petitioners' requests—which concern core civil liberties, and even  
16 matters of life and death—highlight the importance of bringing LAPD into compliance with the CPRA.  
17 Petitioners' requests seek, among other items: records relating to dragnet and warrantless surveillance of  
18 Los Angeles residents; data revealing racial disparities in policing and their economic and human  
19 consequences; and information about fatal officer-involved shootings. The public has a substantial  
20 interest in the disclosure of such information. The public's access to information is obstructed  
21 unlawfully by LAPD's systematic violation of the CPRA.

## 22 THE PARTIES

### 23 **Plaintiffs-Petitioners**

24 8. Plaintiff-Petitioner Ali Winston ("Winston") is a journalist affiliated with the Center for  
25 Investigative Reporting. His reporting covers law enforcement, criminal justice, and surveillance issues.  
26 His articles have been featured in news sources throughout the United States, including LA Weekly,  
27 KCRW, ProPublica, and Bloomberg BusinessWeek. Winston's reporting has been influential on public  
28 conversations about the role of law enforcement. For example, his reporting led to a court order

1 requiring the Oakland police department to reform its discipline procedures for police misconduct.

2 Winston's coverage of Oakland's attempt to implement a surveillance program contributed to the city's  
3 decision to roll back its program and create a privacy committee.

4 9. Plaintiff-Petitioner Kelly Lytle Hernandez ("Hernandez") is a professor in the  
5 Departments of History and Black Studies at UCLA. She is one of the nation's leading historians of  
6 race, policing, immigration, and incarceration in the United States. She is the author of a forthcoming  
7 book, City of Inmates: Conquest and the Rise of Human Caging in Los Angeles (University of North  
8 Carolina Press, 2017), that details the history of incarceration in Los Angeles. She also leads "Million  
9 Dollar Hoods," a project to map where individuals arrested by LAPD live and how much the city spends  
10 to incarcerate them. She is a resident of Culver City and has paid taxes in the city and county of Los  
11 Angeles within the last year.

12 10. Plaintiff-Petitioner Shawn Nee ("Nee") is a community activist and award-winning  
13 photographer based in Los Angeles. His photography has appeared on NBC, NPR's website,  
14 LAist.com, as well as in *The New Yorker*, *The Atlantic*, *the Stranger*, and *The Advocate*; it has also been  
15 exhibited at various galleries in Los Angeles. Nee is a founder and member of the National  
16 Photographers' Rights Organization. Much of Nee's work focuses on street photographs of various  
17 Hollywood communities, but he also photographs in downtown Los Angeles, including capturing the  
18 homeless in Los Angeles's skid row. Nee files CPRA requests with LAPD to obtain information about  
19 police shootings in the neighborhoods in which he lives and photographs, as well as for other  
20 information on police activity and LAPD policy. He is a resident of Los Angeles and within the last year  
21 has paid taxes therein.

22 11. Plaintiff-Petitioner the American Civil Liberties Union of Southern California (the  
23 "ACLU") is a non-profit, nonpartisan organization with an office in the City of Los Angeles. The  
24 ACLU has over 100,000 members, many of whom are assessed and pay taxes in Los Angeles every  
25 year. The ACLU is committed to ensuring that law enforcement agencies at all levels of government  
26 comply with the Constitution and laws affecting civil liberties and human rights. The ACLU is also  
27 committed to principles of transparency and accountability, and seeks to ensure that the public is  
28 informed about the conduct of government officials. Dissemination of information to the public about

1 actual or alleged government activity, including law enforcement activity, is a critical and substantial  
2 component of the ACLU's mission and work.

3 12. Plaintiffs-Petitioners are each persons and members of the public with the right under the  
4 California Public Records Act (the "CPRA") to inspect public records and to seek relief in a court of  
5 competent jurisdiction to enforce that right. Cal. Gov't Code §§ 6252(b)-(c), 6253, 6258, 6259. They  
6 have a clear, present, and substantial right to the relief sought herein, and no plain, speedy, and adequate  
7 remedy at law other than that sought here.

#### 8 **Defendant-Respondent**

9 13. Defendant-Respondent the Los Angeles Police Department (the "LAPD") is located in  
10 Los Angeles, California, and is a "local agency" within the meaning of the CPRA. *Id.* § 6252(d).

#### 11 **JURISDICTION AND VENUE**

12 14. This Court has jurisdiction pursuant to sections 526a and 1085 of the Code of Civil  
13 Procedure, section 6258 of the Government Code, and Article VI, section 10 of the California  
14 Constitution.

15 15. Venue is proper in this Court, as LAPD is situated in Los Angeles, and the acts and  
16 omissions complained of herein occurred in Los Angeles. Cal. Code. Civ. P. §§ 393(b), 394(a), 395.

#### 17 **FACTUAL ALLEGATIONS**

#### 18 **The California Public Records Act**

19 16. Under the CPRA, "access to information concerning the conduct of the people's  
20 business"—business conducted by public agencies on behalf of the people—is a "fundamental and  
21 necessary right of every person in this state." Cal. Gov't Code § 6250.

22 17. To ensure that state and local agencies are transparent and accountable, the CPRA  
23 empowers members of the public to inspect and copy agency records. The CPRA facilitates this transfer  
24 of information by codifying specific requirements and deadlines that agencies must observe upon receipt  
25 of a public records request.

26 18. Upon request, a public agency must "promptly" make publicly available for inspection or  
27 copy any record that it prepared, owns, uses, or retains – so long as the record is not subject to the  
28 CPRA's limited exemptions to disclosure. *Id.* § 6253(b).

1           19.     After an agency receives a CPRA request, it has ten days to respond. Within those ten  
2 days, the agency must: determine whether the request seeks disclosable public records, notify the  
3 requestor of its determination and reasoning, and provide the requestor with an estimate of when the  
4 disclosable records will be made available. *Id.* § 6253(c).

5           20.     In “unusual circumstances,” an agency can extend this timeframe for up to fourteen days,  
6 but it must notify the requestor in writing and estimate when the records will be made available. *Id.*  
7 Even when an agency obtains an extension, it cannot “delay or obstruct the inspection or copying of  
8 public records.” *Id.* § 6253(d).

9           21.     If an agency determines that a request should be denied, it must issue a denial in writing.  
10 *Id.* § 6255.

11 **LAPD’s Pattern and Practice of Violating CPRA Requirements**

12           22.     LAPD routinely and habitually violates the CPRA’s deadline and response requirements,  
13 as evidenced by its treatment of Petitioners’ CPRA requests.

14 **Ali Winston**

15           23.     Over the course of the past eight years, in pursuit of his work as a journalist, Winston has  
16 regularly filed CPRA requests with the LAPD. He has observed a substantial decrease in their  
17 responsiveness over that time period. In Winston’s experience, the department now chooses to respond  
18 at its own discretion.

19           24.     Winston has filed requests with several other California agencies, including the Oakland  
20 Police Department, the San Francisco Police Department, the California Highway Patrol, and the San  
21 Diego Police Department. In contrast to these agencies, Winston has found the LAPD to be uniquely  
22 unhelpful and nonresponsive to his CPRA requests.

23           25.     The LAPD’s treatment of three of Winston’s recent requests exemplifies this  
24 nonresponsiveness. Between 2014 and 2015, Winston sent three CPRA requests to the LAPD to which  
25 the department has yet to respond. Today, more than two years since Winston initially submitted these  
26 requests, the LAPD has not produced any of the requested records. Nor has the LAPD informed Winston  
27 whether it intends to produce the records.

28                   *January 13, 2014, Facial Recognition Request and Palantir Technology Request*

1           26.     On January 13, 2014, Winston submitted two CPRA requests to the LAPD.

2           27.     The first request was about facial recognition technology used by the LAPD. In early  
3 2013, the LAPD purchased sixteen facial recognition cameras. A true and correct copy of the Facial  
4 Recognition Request is attached as Exhibit A.

5           28.     These cameras are mobile and can identify a person from distances of up to six hundred  
6 feet. Adolfo Flores, *LAPD Unveils Surveillance Cameras in West San Fernando Valley*, L.A. Times:  
7 L.A. Now (Jan. 17, 2013, 1:12 PM), [http://latimesblogs.latimes.com/lanow/2013/01/lapd-surveillance-](http://latimesblogs.latimes.com/lanow/2013/01/lapd-surveillance-cameras-san-fernando-valley.html)  
8 [cameras-san-fernando-valley.html](http://latimesblogs.latimes.com/lanow/2013/01/lapd-surveillance-cameras-san-fernando-valley.html). The cameras cost hundreds of thousands of dollars. *Id.*

9           29.     Winston requested records about the use of these cameras. For example, he requested  
10 contracts, reports, and policies related to the facial recognition technology.

11           30.     The second request was about LAPD's use of Palantir technology. Palantir is a private  
12 company that makes powerful data analysis software. By tying multiple data sets together, the software  
13 can provide extensive information about individuals. A true and correct copy of the Palantir Request is  
14 attached as Exhibit B.

15           31.     The program, for instance, can "track [a] suspect's past locations based on previous  
16 license plate scans." Thom Patterson, *Data Surveillance Centers: Crime Fighters or 'Spy Machines?'*,  
17 CNN (May 26, 2014, 12:56 PM EST), [http://www.cnn.com/2014/05/26/tech/city-of-tomorrow-video-](http://www.cnn.com/2014/05/26/tech/city-of-tomorrow-video-data-surveillance/)  
18 [data-surveillance/](http://www.cnn.com/2014/05/26/tech/city-of-tomorrow-video-data-surveillance/). According to another report: "Under the [Palantir] program, police crunch historical  
19 data to determine where crimes have frequently occurred so officers can spend more time at those  
20 places. It also creates a list of people it considers more likely to commit crimes based on past behavior."  
21 *LAPD Uses Big Data To Target Criminals*, CBS News (Nov. 14, 2014, 1:50 PM),  
22 <http://www.cbsnews.com/news/lapd-uses-big-data-to-target-criminals/>.

23           32.     Winston requested records about the LAPD's use of Palantir software, including records  
24 of any LAPD policies and training manuals that concern Palantir technology.

25           33.     The LAPD failed to respond to the Facial Recognition and Palantir Technology requests  
26 within the ten-day deadline provided by the CPRA—*i.e.*, by January 23, 2014.

27           34.     On January 30, 2014, seventeen days after he initially sent both requests, Winston  
28 followed up with the LAPD through email. A true and correct copy of the January 30, 2014, Follow-Up

1 Email is attached as Exhibit C.

2 35. When the LAPD failed to respond to that message, Winston contacted the City  
3 Attorney's office by phone—in an attempt to encourage the LAPD to reply to his record request. These  
4 contacts proved equally unsuccessful.

5 36. It has been more than three years since Winston sent that follow-up message and called  
6 the City Attorney's office, and he has yet to receive a response from the LAPD.

7 *February 3, 2015, Cell Simulator Request*

8 37. Winston submitted another LAPD records request on February 3, 2015. In this request,  
9 like the ACLU, Winston sought records about the LAPD's use of cell simulators, which allow  
10 authorities to track a suspect's cell phone—and obtain information from bystanders in the process. A  
11 true and correct copy of the Cell Simulator Request is attached as Exhibit D.

12 38. Winston received a response ten days later. The LAPD, complying with California law,  
13 requested a fourteen-day extension to decide whether to grant Winston's request, citing unusual  
14 circumstances. LAPD did not, however, follow up. A true and correct copy of the LAPD Cell Simulator  
15 Extension Response is attached as Exhibit E.

16 39. On April 8, 2015, fifty-four days after the LAPD requested its fourteen-day extension,  
17 Winston emailed the official handling his request and asked for a status update. A true and correct copy  
18 of Winston's Status Update Email is attached as Exhibit F.

19 40. The next day, the official responded, promising to find out about the status of Winston's  
20 request and provide an update. A true and correct copy of the LAPD Response Email is attached as  
21 Exhibit G.

22 41. Winston never received a response. His further attempt to follow up went unanswered. A  
23 true and correct copy of Winston's Second Follow-Up Email is attached as Exhibit H.

24 **Kelly Lytle Hernandez**

25 42. Hernandez is the lead researcher for Million Dollar Hoods, which produces digital maps  
26 showing how much LAPD spends on incarceration for neighborhoods in Los Angeles. As part of her  
27 research process, she has submitted CPRA requests to LAPD.

28 *March 8, 2016, Arrest Data Request*



1 43. On March 8, 2016, Hernandez filed a CPRA request to the LAPD for the full name,  
2 occupation, physical description, arrest date and time, and other arrest data of all arrestees from 2010 to  
3 2016. A true and correct copy of the March 8 Request is attached as Exhibit I.

4 44. Hernandez made this request as part of her research for Million Dollar Hoods.

5 45. On March 11, LAPD responded requesting the statutory 14-day extension. A true and  
6 correct copy of the March 8 Extension Request is attached as Exhibit J.

7 46. Even with the extension, the CPRA required LAPD to respond by April 1, 2016. The  
8 LAPD, however, did not respond until on or about April 19, with incomplete data.

9 47. In June 2016, the LAPD again provided incomplete response documents, with nearly one  
10 half of the arrest entries lacking release dates, times, or home addresses.

11 48. In August 2016, the LAPD provided further response documents that were still  
12 incomplete, this time with home addresses but still lacking release dates or times.

13 *September 7, 2016 Arrest Data Request*

14 49. Given the incomplete nature of the June and August 2016 responses, on September 7,  
15 2016, Hernandez sent another CPRA request as a follow-up to her March 8, 2016 request for the same  
16 arrest data. A true and correct copy of the September 7 Request is attached as Exhibit K.

17 50. On September 8, 2016, Mary Ann Taylor ("Taylor") from the LAPD responded by email,  
18 informing Hernandez her September 7, 2016 request would be handled as a new public record request.

19 51. On September 28, 2016, three weeks after her request, Hernandez followed up by email,  
20 noting that the ten-day response period had passed for the September 7, 2016 request.

21 52. Two days later, on September 30, 2016, Hernandez left a voicemail with Taylor. Taylor  
22 responded by email, stating that she would follow up.

23 53. On October 3, 2016, Hernandez followed up again by email, noting that she had not  
24 received any response, including whether the request had been approved. Taylor responded by email that  
25 the request was still pending. A true and correct copy of these September 7 Email Communications is  
26 attached as Exhibit L.

27 54. On November 3, 2016, Hernandez sent a demand letter to the LAPD to follow-up on the  
28 September 7, 2016 request. A true and correct copy is attached as Exhibit M.

1        55.    On November 14, 2016, Taylor at LAPD replied by email, informing Hernandez that the  
2 division responsible for processing her request was down to one employee, who would soon be leaving  
3 LAPD and that, as a result, all pending requests have been affected or delayed by the staffing shortage.  
4 A true and correct copy of the email is attached as Exhibit N.

5        56.    On or about March 9, 2017, more than a year after her initial March 8, 2016 request,  
6 LAPD provided some, but not all, of the missing responsive documents. While Hernandez's March 8,  
7 2016 and September 7, 2016 CPRA requests were for all arrest data since January 1, 2010, the LAPD  
8 only provided documents from 2012-2016.

9        57.    As a result of the delay, Hernandez and her research team have had to make large  
10 assumptions and gross estimates.

11                    *March 23, 2016, LAPD Police Chiefs and Task Forces Request*

12        58.    On March 23, 2016, Hernandez submitted a CPRA request to LAPD for the disclosure of  
13 historical LAPD records related to previous police chiefs and task forces, between 1965 and 1992. A  
14 true and correct copy of the March 23 request is attached as Exhibit O.

15        59.    Hernandez also noted that Max Felker-Kantor (another history professor) made a similar  
16 CPRA request on August 4, 2012. Hernandez attached a response of LAPD's response to Felker-Kantor  
17 from August 16, 2012, acknowledging that it had found 254 potentially responsive boxes that it would  
18 begin to make available as each box was reviewed. A true and correct copy of the Felker-Kantor request  
19 is attached as Exhibit P.

20        60.    On April 6, 2016, Hernandez forwarded her her March 23, 2016 request to LAPD by  
21 email because she did not receive confirmation from LAPD.

22        61.    On April 13, 2016, she forwarded her request again.

23        62.    On April 22, 2016, she forwarded her CPRA request for the third time. She also called  
24 the office, which had no record of receiving the request.

25        63.    On April 26, 2016, Taylor responded for the first time, informing Hernandez by email  
26 that the request had been forwarded to the supervisor in charge of the CPRA section.

27        64.    On June 23, 2016, Hernandez followed up again by email after not hearing anything from  
28 the LAPD. Taylor responded by email that she had forwarded her inquiry to Greg Toyama ("Toyama"),

1 the supervisor of the CPRA unit.

2 65. On June 28, 2016, Hernandez followed up directly with Toyama via email.

3 66. On October 12, 2016, Hernandez sent Toyama another email to follow up on a phone  
4 conversation from several weeks ago, when Toyama confirmed that he would be sending her a formal  
5 response letter regarding her request. A true and correct copy of these communications pertaining to the  
6 March 23 Request is attached as Exhibit Q.

7 67. As of March 30, 2017, more than a year after her initial request, Hernandez has not  
8 received any responsive documents or a denial of her request.

9 *August 11, 2016, Budget Request*

10 68. On August 11, 2016, Hernandez submitted a CPRA request to LAPD for the disclosure of  
11 any documents (such as internal studies and correspondence) regarding the development of the budget  
12 for the department's Custody Division between 2010 and 2015. A true and correct copy of the August  
13 11 Request is attached as Exhibit R.

14 69. As of March 30, 2017, more than seven months after her initial request, Hernandez has  
15 not received any responsive documents or a denial of her request.

16 *Summary of Hernandez Requests*

17 70. As of March 30, 2017, Hernandez has not received complete responses to or denials of  
18 any of her requests, with consequences for her research reliant on this data.

19 **Shawn Nee**

20 71. An LAPD press release reported that on August 2, 2016, LAPD Officers Eui Joung and  
21 Raina Foster were involved in an incident that resulted in the shooting of a male at Walgreens in  
22 Hollywood, CA. News Release: Struggle for Officers Gun Results in Officer Involved Shooting  
23 NR049-16ma, L.A. Police Dep't (Aug. 29, 2016), [http://www.lapdonline.org/home/news\\_view/61157](http://www.lapdonline.org/home/news_view/61157).

24 72. Another LAPD press release reported that on August 9, 2016, LAPD Officer Eden  
25 Medina was involved in an incident that resulted in the fatal shooting of a man, determined to be Jesse  
26 Romero. News Release: Hollenbeck Gang Officer Involved in Shooting of Suspected Armed with a  
27 Handgun NRF053-16ma, L.A. Police Dep't (Sept. 6, 2016),  
28 [http://www.lapdonline.org/newsroom/news\\_view/61183](http://www.lapdonline.org/newsroom/news_view/61183).

73. Another LAPD press release reported that on August 19, 2016, LAPD Officers Jennifer Nodes and Jonathon Johnson were involved in an incident that resulted in the shooting death of a man, later identified as Marcello Luna. News Release: Officer Involved Shooting of Hollywood Officers Confronted by a Man with Rifle NRF057-16ma, L.A. Police Dep't (Sept. 7, 2016), [http://www.lapdonline.org/newsroom/news\\_view/61194](http://www.lapdonline.org/newsroom/news_view/61194).

74. On October 10, 2016, Nee filed five separate CPRA requests with LAPD for details on officer-involved shootings involving Officers Eden Medina, Eui Joung, Raina Foster, Jonathan Johnson, and Jennifer Nodes.

75. For the requests regarding Officers Eden Medina, Eui Joung, and Jonathan Johnson, the LAPD never responded. True and correct copies of these requests is attached as Exhibits S.

76. For the requests regarding Officer Raina Foster, LAPD requested a fourteen-day extension on October 21, and then provided no further information. True and correct copies of this request and LAPD's response is attached as Exhibit T.

77. For the request regarding Officer Jennifer Nodes, LAPD requested a fourteen-day extension on October 21, 2016, and finally provided a link to an LAPD press release on November 9, 2016, in violation of the fourteen-day deadline. True and correct copies of this request and LAPD's response is attached as Exhibit U.

78. In sum, LAPD did not formally grant or deny four of the five requests Nee filed on October 10, 2016. For three of the five requests, LAPD did not provide any response.

79. Although all five requests were filed on the same date and ask for similar information, LAPD only responded to two of the five requests within the ten-day deadline. In both instances, the deadline-compliant response was a request for a fourteen-day extension, a new deadline which the LAPD subsequently failed to meet.

#### The ACLU

##### *July 29, 2014, Cell Simulator Request*

80. As part of its mission to advance civil liberties, the ACLU has attempted to monitor law enforcement's use of IMSI-catchers—surveillance devices that allow law enforcement to track a suspect's cell phone and, in the process, obtain a wide variety of information about all cell phones and

bystanders that happen to be within the surveillance device's significant range.

81. The increasing, unchecked use of this new surveillance technology by local law enforcement agencies is troubling because of its breadth and vulnerability to insidious usage, and the public has an interest in ensuring that appropriate privacy safeguards will protect its interest when law enforcement agencies use or access cell simulators or their data.

82. The only way for the public to know monitor law enforcement agencies' use of cell simulators and whether such use infringes on privacy, constitutional, or other interests is by gathering records and other documentation from the agency in question.

83. On July 29, 2014, in an effort to fill the gap in the public's knowledge, the ACLU sent a valid CPRA request in the form of a letter through USPS certified mail to the LAPD for the disclosure of public records related to cell simulators in LAPD's possession ("**Simulator Request**"). A true and correct copy of the Simulator Request is attached as Exhibit V.

84. The Simulator Request included, among other items, requests for records related to the number of Cell Site Simulators owned, operated, and/or used by LAPD; the number of times Cell Site Simulators were used from January 1, 2008 to the time the request was filed; and policies related to the handling of data obtained by Cell Site Simulators.

85. The CPRA required LAPD to respond by August 8, 2014.

86. If the LAPD faced unusual circumstances in the process, it should have notified the ACLU in writing and disclosed the records fourteen days later, by August 22, 2014, as required by the CPRA.

87. The LAPD did not notify the ACLU that it would need an extension to decide if the requested records were disclosable or to compile them.

88. Despite the ACLU's repeated attempts to contact the LAPD in the three months after these CPRA deadlines, the LAPD neither disclosed the records nor enumerated which records, if any, it had determined were not disclosable and why.

89. On September 29, 2014, the ACLU sent the LAPD a follow-up letter through USPS certified mail ("**Follow-Up Letter**"). A true and correct copy of the Follow-Up Letter is attached as Exhibit W. The ACLU received no response.

1           90.    The following day, September 30, 2014, the ACLU received a confirmation receipt from  
2 the LAPD confirming receipt of the Simulator Request.

3           91.    On October 6, 2014, the ACLU called the LAPD to follow up. No one answered.

4           92.    On October 10, 2014 – more than seventy days after the initial request – the ACLU called  
5 the LAPD to follow up. The representative who answered asked when the Simulator Request and  
6 Follow-Up Letter were sent. She stated said that neither were received by the LAPD and that “we didn’t  
7 get anything from the P.O. box, you need to email it.”

8           93.    Accordingly, that same day at 2:47 p.m., the ACLU sent LAPD an email (“**Follow-Up**  
9 **Email**”) to discovery@lapd.lacity.org with a subject line reading “July 29, 2014, Public Records Act  
10 Request re: Cell Site Simulators.” Attached to the Follow-Up Email for the LAPD’s convenience were  
11 the Simulator Request and the Follow-Up Letter.

12           94.    On October 14, 2014, the ACLU called the LAPD, left a voice message, and at 4:43p.m.,  
13 received an email confirmation receipt confirming that the LAPD’s Discovery Section had received the  
14 Follow-Up Email. A true and correct copy of communications regarding the October 10, 2014 Follow-  
15 Up Email is attached as Exhibit X.

16           95.    On October 27, 2014, the ACLU called the LAPD to let it know that it had received its  
17 confirmation email. The ACLU was transferred to David Lee’s voicemail at (213) 978-2152, where it  
18 left a voice message.

19           96.    On October 31, 2014, the ACLU received a voice message from David Lee which said  
20 the LAPD was still working on the Simulator Request. Neither David Lee nor any other LAPD  
21 representative estimated when the records would be made available.

22           97.    The ACLU called the LAPD on three separate occasions after receiving David Lee’s  
23 voice message: first on November 18, 2014, at 1:56 p.m., second on November 24, 2014, at 8:30 a.m.,  
24 and again on December 5, 2014 at 2:57p.m. The ACLU left voice messages each time as all three calls  
25 went unanswered.

26           98.    The ACLU’s last attempt to contact the LAPD with regard to the Simulator Request was  
27 made on December 5, 2014.

28           99.    LAPD never responded to ACLU’s request or December 5, 2014, follow-up call.

1        *October 9, 2014, Stops Data Request*

2        100. The ACLU regularly requests data from the LAPD concerning information about  
3 pedestrian and motor vehicle stops, including the circumstances of the stop, the initial reason for the  
4 stop, and whether and why a warrantless search was conducted during the stop.

5        101. This data has been used, among other things, to conduct a statistical analysis of racial  
6 disparities in the LAPD's pedestrian and motor vehicle stops. See Ian Ayres & Jonathan Borowsky, *A*  
7 *Study of Racially Disparate Outcomes in the Los Angeles Police Department* 1 (Oct. 2008) (Exhibit Y).

8        102. On information and belief, requesting records from the LAPD is the only way to obtain  
9 the data ACLU regularly monitors.

10       103. On October 9, 2014, the ACLU sent a valid CPRA request by mail to the LAPD for  
11 updated records pertaining to traffic stop data for the period of May 13, 2013 through September 30,  
12 2014 ("**Stops Data Request**"). A true and correct copy of the Stops Data Request is attached as Exhibit  
13 Z.

14       104. The CPRA required LAPD to respond by October 19, 2014.

15       105. If the LAPD faced unusual circumstances in the process, it should have notified the  
16 ACLU in writing and disclosed the records fourteen days later, by November 2, 2014, as required by the  
17 CPRA.

18       106. On May 11, 2015, over six months after the initial request, the LAPD produced records in  
19 response to the Stops Data Request. A true and correct copy of the LAPD's response to the Stops Data  
20 Request is attached as Exhibit AA.

21       *November 3, 2016, Public Records Response Request*

22       107. The public currently has little oversight over the LAPD's compliance with the CPRA,  
23 including its internal policies for responding to CPRA requests within the statutorily mandated  
24 timeframe.

25       108. On November 3, 2016, in order to promote public oversight of LAPD compliance with  
26 the CPRA, the ACLU sent a valid CPRA request through electronic mail to the LAPD for the disclosure  
27 of information regarding the LAPD's CPRA response practices ("**CPRA Compliance Request**"). A  
28 true and correct copy of the CPRA Compliance Request is attached as Exhibit BB. The request sought,

1 among other items, records related to LAPD's ten oldest, currently outstanding CPRA requests and the  
2 LAPD's internal policies regarding CPRA requests.

3 109. On the same day, the LAPD replied with an email confirming receipt of the CPRA  
4 Compliance Request. The email did not notify the ACLU of the LAPD's determination of whether  
5 disclosable records existed, nor did it provide an estimate of when LAPD might disclose responsive  
6 records. A true and correct copy of the email receipt is attached as Exhibit CC.

7 110. The CPRA required LAPD to notify the ACLU of its determination by November 13,  
8 2016.

9 111. If the LAPD faced justifiable unusual circumstances in the process, it should have  
10 notified the ACLU in writing and disclosed the records fourteen days later, by November 27, 2016.

11 112. The LAPD did not notify the ACLU that it would need an extension to decide if the  
12 requested records were disclosable or to compile them.

13 113. As of the date of this filing, the LAPD has not made a determination regarding the  
14 CPRA Compliance Request or contacted the ACLU in any way regarding the request beyond  
15 acknowledgment of receipt.

16 *February 8, 2017, Tellez Records Request*

17 114. The ACLU is additionally committed to advancing police accountability and protecting  
18 the First Amendment right to record. In furtherance of this commitment, the ACLU monitors  
19 complaints about police interference with the right to record. These complaints sometimes include  
20 allegations that police retaliatorily arrest citizens who film police in public on trumped-up charges.

21 115. On September 4, 2016, the LAPD arrested Alberto Tellez. Mr. Tellez submitted a  
22 complaint to the ACLU that this arrest was in retaliation for his act of recording a police officer in  
23 public.

24 116. On February 8, 2017, the ACLU sent a valid CPRA request through electronic mail to  
25 LAPD for all records pertaining to the arrest of Mr. Tellez ("**Tellez Records Request**"). The request  
26 included the arrest report, booking record, and any recordings made of the arrest. The request  
27 specifically sought readily available information that the CPRA expressly requires agencies to disclose,  
28



Gov't Code 6254(f)(1). A true and correct copy of the Tellez Records Request is attached as Exhibit DD.

117. On February 9, 2017, one day after the request was submitted, the ACLU received electronic mail from the LAPD's Discovery Section in response to the request stating "For all requests, a turnaround time frame takes 4 to 8 weeks. Just an FYI." A true and correct copy of LAPD's response is attached as Exhibit EE.

118. To date, LAPD has not provided the ACLU with records or information responsive to the Tellez Records Request. The LAPD has not even notified the ACLU of its determination regarding whether the request seeks disclosable records, in violation of the CPRA.

119. Because the LAPD failed to respond to this request in a timely fashion, Mr. Tellez was forced to go through an administrative citation hearing related to his arrest without even the most basic information about the LAPD's position on the facts surrounding his arrest.

**Table of Requests Summary**

120. The following table summarizes the allegations set forth above:

Requestor: Request	Acknowledgment	Determination	Relevant Allegations
Winston: 1/13/14 Facial Recognition Request	None (three years late)	None (three years late)	¶¶ 26-29, 33-36
Winston: 1/13/14 Palantir Technology Request	None (three years late)	None (three years late)	¶¶ 26, 30-36
Winston: 2/3/15 Cell Simulator Request	2/13/15 (fourteen-day extension requested)	None (two years late)	¶¶ 37-41
Hernandez: 3/8/16 Arrest Data Request	3/11/16 (fourteen-day extension requested)	Incomplete production of documents in 8/16 (five months late)	¶¶ 42-48
Hernandez: 9/7/16 Arrest Data Request	9/8/16	Incomplete production of documents on 3/9/17 (six months late)	¶¶ 49-57
Hernandez: 3/23/16 LAPD Police Chiefs and Task	4/26/16 (24 days)	None (one year late)	¶¶ 58-67

Forces Request	late)		
Hernandez: 8/11/16 Budget Data Request	None (seven months late)	None (seven months late)	¶¶ 68-69
Nee: 10/10/16 Officer Eden Medina Request	None (six months late)	None (six months late)	¶¶ 72, 74-75
Nee: 10/10/16 Officer Eui Joung Request	None (six months late)	None (six months late)	¶¶ 71, 74-75
Nee: 10/10/16 Officer Raina Foster Request	10/21/16 (requested fourteen-day extension)	None (six months late)	¶¶ 71, 74, 76
Nee: 10/10/16 Officer Jonathan Johnson Request	None (six months late)	None (six months late)	¶¶ 73-75
Nee: 10/10/16 Officer Jennifer Nodes Request	10/21/16 (requested fourteen-day extension)	11/9/16 (five days late)	¶¶ 73-74, 77
ACLU: 7/19/2014 Cell Simulator Request	9/30/2014 (one month late)	None (three years late)	¶¶ 80-99
ACLU: 10/9/2014 Stops Data Request	5/11/2015 (seven months late)	5/11/2015 (seven months late)	¶¶ 100-106
ACLU: 11/3/2016 Public Records Response Request	11/3/2016	None (five months late)	¶¶ 107-113
ACLU: 2/8/2017 Tellez Records Request	2/9/2017	None (two months late)	¶¶ 114-119

### **FIRST CAUSE OF ACTION**

#### **For Writ of Mandate, California Public Records Act,**

#### **Gov't Code § 6250 et seq., Code of Civ. Proc. § 1085**

121. Plaintiffs-Petitioners incorporate by reference the foregoing paragraphs as though fully set forth herein.

122. The CPRA creates mandatory, non-discretionary duties on the part of LAPD to adhere to deadlines and notice requirements when responding to records requests. Cal. Gov't Code §§ 6253(c)-(d). LAPD systemically fails to perform these duties.

123. Specifically, California Government Code section 6253(c) creates duties on the part of

1 LAPD to determine and notify CPRA requestors whether requested records are disclosable within ten  
2 days, to be extended by no more than fourteen days in the event of "unusual circumstances" upon  
3 notification of requestors in writing of the existence of such circumstances. LAPD fails to reach  
4 determinations and notify requestors within the statutory time periods, in violation of the CPRA.

5 124. Issuance of a writ of mandate compelling LAPD to perform its duties under the CPRA is  
6 required because there exists no plain, speedy, and adequate remedy in the ordinary course of law which  
7 would protect Plaintiffs-Petitioners' rights and interests.

## 8 SECOND CAUSE OF ACTION

### 9 For Declaratory Relief, California Public Records Act,

### 10 Gov't Code § 6250 et seq., Code of Civ. Proc. §§ 526a, 1060

11 125. Plaintiffs-Petitioners incorporate by reference the foregoing paragraphs as though fully  
12 set forth herein.

13 126. The LAPD has acted and is continuing to act in violation of the CPRA by maintaining  
14 conduct, policies, and a pattern and practice of ignoring the mandatory statutory deadline and notice  
15 requirements for CPRA requests, Cal. Gov't Code §§ 6253(c)-(d).

16 127. LAPD's pattern and practice of violating the CPRA in this manner is an illegal  
17 expenditure of public funds in violation of a non-discretionary duty.

18 128. An actual controversy exists between the parties concerning whether LAPD has engaged  
19 in conduct or established policies that violate the statutory deadline and notice requirements of the  
20 CPRA and California Constitution.

21 129. A judicial determination to resolve this actual controversy is necessary and appropriate  
22 at this time.

## 23 THIRD CAUSE OF ACTION

### 24 For Injunctive Relief, California Public Records Act,

### 25 Gov't Code § 6250 et seq., Code of Civ. Proc. §§ 526a, Civ. Code § 3422

26 130. Plaintiffs-Petitioners incorporate by reference the foregoing paragraphs as though fully  
27 set forth herein.

28 131. If not enjoined by order of this Court, LAPD will continue to ignore requests, disregard

1 statutorily required deadlines and notice requirements, and arbitrarily prevent parties from obtaining  
2 information under the CPRA.

3 132. LAPD's pattern and practice of violating the CPRA in this manner is an illegal  
4 expenditure of public funds in violation of a non-discretionary duty.

5 133. Plaintiffs-Petitioners do not have a plain, speedy, and adequate remedy in the ordinary  
6 course of law.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Petitioners pray for judgment as follows:

9 1. For issuance of a writ of mandate compelling LAPD to take all necessary steps to  
10 consistently perform its duties under the CPRA;

11 2. For a declaration that LAPD's conduct, policies, and pattern and practice of failing to  
12 timely respond to public records requests violates the CPRA;

13 3. For a permanent injunction enjoining the LAPD, its agents, employees, officers, and  
14 representatives from continuing its existing pattern and practice of violating the deadline and notice  
15 requirements of the CPRA, and ordering LAPD to track and report to the court and to the public on its  
16 responses to public records requests for a period of time not less than three years;

17 4. For reasonable attorneys' fees pursuant to California Code of Civil Procedure section  
18 1021.5 and Government Code section 6259(d);

19 5. For costs of suit; and

20 6. For such other and further relief as the Court may deem just and proper.

21  
22 Dated: April 25, 2017

23 Respectfully submitted,

24  
25 By 

26 ADRIENNA WONG  
27 ACLU FOUNDATION OF SOUTHERN  
28 CALIFORNIA  
Attorney for Petitioners

1 Of Counsel:

2 David A. Schulz

3 John Langford

4 Allison Douglass (law student intern)

5 Brandon Sadowsky (law student intern)

6 Regina Wang (law student intern)

7 Media Freedom and Information Access Clinic

8 Abrams Institute for Freedom of Expression

9 Yale Law School\*

10 P.O. Box 208215

11 New Haven, CT 06520

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25 \_\_\_\_\_  
26 \* This brief was prepared by the Media Freedom and Information Access Clinic, a program  
27 of the Abrams Institute for Freedom of Expression at Yale Law School. The brief does not purport  
28 to express the School's institutional views, if any.

ALI WINSTON VERIFICATION

I, Ali Winston, hereby declare as follows:

I am a petitioner in this matter. I have read paragraphs 4, 8, 23-41, and 120 of the VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF and know its contents. The facts alleged in this matter concerning my claims are within my own personal knowledge, and I know these facts to be true, except for matters stated on information and belief, and I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed this 24<sup>th</sup> day of April, 2017 in Oakland, California.

  
ALI WINSTON

06/21/2017

### KELLY HERNANDEZ VERIFICATION

I, Kelly Hernandez, hereby declare as follows:

I am a petitioner in this matter. I have read paragraphs 4, 9, 42-70, and 120 of the VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF and know its contents. The facts alleged in this matter concerning my claims are within my own personal knowledge, and I know these facts to be true, except for matters stated on information and belief, and I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this

verification was executed this 24 day of April, 2017 in Los Angeles California.

*Kelly Hernandez*


## SHAWN NEE VERIFICATION

I, Shawn Nee, hereby declare as follows:

I am a petitioner in this matter. I have read paragraphs 4, 10, 71-79, and 120 of the VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF and know its contents. The facts alleged in this matter concerning my claims are within my own personal knowledge, and I know these facts to be true, except for matters stated on information and belief, and I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed this 21 day of April, 2017 in Los Angeles, California.

SHAWN NEE

  
4/21/17

2017 APR 21



**AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA  
VERIFICATION**

I, Adrienna Wong, hereby declare as follows:

I am an attorney representing the American Civil Liberties Union of Southern California (ACLU), a Petitioner in this matter. I have the authority to act on behalf of the ACLU and to make this verification for, and on behalf of, the ACLU. I have read paragraphs 1-7, 11, 12-22, and 80-133 of the VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF and know its contents. The facts alleged in paragraphs 107-119 concerning the ACLU are within my own personal knowledge, and I know these facts to be true. On information and belief, I believe the facts alleged in paragraphs 1-7, 11-22, 80-106, and 120-133 to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed this 24 day of April, 2017 in Los Angeles, California.

ADRIENNA WONG  
Attorney for the American Civil Liberties Union  
of Southern California

107-119-236

**AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA  
VERIFICATION**

I, James Gilliam, hereby declare as follows:

I am the Deputy Executive Director of the American Civil Liberties Union of Southern California (ACLU), a Petitioner in this matter. I have the authority to act on behalf of the ACLU and to make this verification for, and on behalf of, the ACLU. I have read paragraphs 1-7, 11, 12-22, and 80-133 of the VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF and know its contents. The facts alleged in paragraph 11 concerning the ACLU are within my own personal knowledge, and I know these facts to be true. On information and belief, I believe the facts alleged in paragraphs 1-7, 11-22, and 80-133 to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed this 24<sup>th</sup> day of April, 2017 in

Los Angeles, California.

JAMES GILLIAM  
Deputy Executive Director,  
American Civil Liberties Union  
of Southern California

1102112198

96111301

# EXHIBIT A

06/21/2017

Discovery Section  
Los Angeles Police Department  
150 North Los Angeles Street  
Los Angeles, CA 90012

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies (preferably electronic) of the following, which I understand to be held by your agency:

Ali Winston  
Center for Investigative Reporting/KQED  
1400 65th St, Suite 200  
Emeryville, CA 94608  
tel: 917-334-5403  
email: [ali.winston@gmail.com](mailto:ali.winston@gmail.com)

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7182117130

# EXHIBIT B

06/21/2017

1/13/2014

Discovery Section  
Los Angeles Police Department  
150 North Los Angeles Street  
Los Angeles, CA 90012

RE: Public Records Act Request

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies (preferably electronic) of the following, which I understand to be held by your agency:

-Physical or electronic copies of all documents (i.e. contracts [including any and all appendices], audits, efficiency reports, pertinent electronic communications, statistics, policies, training manuals, requests for proposals and/or qualifications, any responses to RFPs/RFQs, contractor bids, grant applications and/or award letters, marketing materials submitted to the city by Palantir, reports, briefs, white papers, or other indicia) pertaining to the LAPD's use of Palantir Technologies' software and/or hardware products.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 917-334-5403. I ask that you notify me of any duplication costs exceeding \$20.00 before you duplicate the records so that I may decide which records I want copied.

Thank you for your time and attention to this matter.

Sincerely,

Ali Winston  
Center for Investigative Reporting/KQED  
1400 65th St, Suite 200  
Emeryville, CA 94608  
tel: 917-334-5403  
email: ali.winston@gmail.com

20140113



06/21/2014

# EXHIBIT C

102.12.98

1/30/14 11:04 AM

From: Ali Winston <[ali.winston@gmail.com](mailto:ali.winston@gmail.com)>  
Date: Thu, Jan 30, 2014 at 11:04 AM  
Subject: Determination date re: PRA requests?  
To: [E9873@lapd.lacity.org](mailto:E9873@lapd.lacity.org), Discovery Unit PRA Requests <[prarequests@lasd.org](mailto:prarequests@lasd.org)>

Good morning Mr. Lee,

I'm writing to find out whether you have determined whether LAPD holds responsive records to the two requests (attached to this email) I filed with LAPD on January 13 under the California Public Records Act. The 10-day deadline outlined in state law passed on Monday without a response from you or your section. Please inform me as soon as possible about the status of these records requests.

If I do not hear from you by close of business today I will contact the City Attorney's office with regard to LAPD's violation of the California Public Records Act request.

Best,  
Ali Winston  
[917-334-5403](tel:917-334-5403)  
[Center for Investigative Reporting/KQED](#)  
[@awinston](mailto:awinston)

06/11/2014

# EXHIBIT D

8512112014

2/3/2015

To whom it may concern,

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to (obtain a copy of) the following, which I understand to be held by your agency:

All documentation from January 1, 2005 to the present date (February 3, 2015) pursuant to the solicitation of, deliberation of, and awarding of a contract between the Los Angeles Police Department and Digital Receiver Technology, Inc for the purchase of a Cell Phone Tracking System [see the attached hyperlink from the Los Angeles City Council's Public Safety Committee [http://clkrep.lacity.org/online/docs/2004/04-2499-s2\\_mot\\_8-2-05.pdf](http://clkrep.lacity.org/online/docs/2004/04-2499-s2_mot_8-2-05.pdf)]

This request applies to:

1. Any and all responses to the Los Angeles Police Department's Request for Proposals for cell phone tracking systems or other products manufactured by Digital Receiver Technology, Inc.
2. Any and all promotional materials provided by Digital Receiver Technology, Inc to Los Angeles Police Department personnel regarding body-worn camera systems and the Evidence.com storage service.
3. Any and all contracts between the Los Angeles Police Department and Digital Receiver Technology, Inc. Please also include any accompanying materials, attachments, and documents related to any and all contracts (e.g. all "scope of services" agreements, "non-disclosure agreements," etc.)
4. Any correspondence (e-mails, letters, memorandums, etc.) between any representative of a company which responded to the Los Angeles Police Department's RFP for cell-phone tracking systems and/or other technology manufactured by Digital Receiver Technology, Inc and any/all employees or representatives of the Los Angeles Police Department.

This request applies to all documents in possession of the Los Angeles Police Department, including electronic records. It also includes documents that were created by a member of another government agency or a member of the public. If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions.

Please respond to this request within ten days, either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document and stating when the documents will be made available.

If we can provide any clarification that will help identify responsive documents or focus this request, please contact me at (917) 334-5403 or [awinston@cironline.org](mailto:awinston@cironline.org). Please note that the Public Records Act allows a member of the public to request records by describing their content, rather than asking for specific documents by name; an agency that receives such a request must "search for records based on criteria set forth in the search request."

Because the Center for Investigative Reporting is a nonprofit news organization that makes all information it receives through PRA and FOIA requests available to the public, I ask that you waive

any fees. I also request that any records maintained in electronic format be provided in that same format, to avoid copying costs. However, should you be unable to do so, the Center for Investigative Reporting will reimburse SDPD for the direct costs of copying these records (if Los Angeles Police elects to charge for copying) plus postage. If you anticipate that these costs will exceed \$20, or that the time needed to copy the records will delay their release, please contact us so that I can arrange to inspect the document or decide which documents I wish to have copied. Otherwise, please copy and send them as soon as possible, and I will promptly pay the required costs.

Thank you for your time and attention to this matter.

Sincerely,

Ali Winston  
Center for Investigative Reporting  
Emeryville, CA 94110  
917-334-5403  
awinston@cironline.org

06-21-2017

05/22/2014



# EXHIBIT E

710212138

# LOS ANGELES POLICE DEPARTMENT



**CHARLIE BECK**  
Chief of Police

**ERIC GARCETTI**  
Mayor

P. O. Box 30158  
Los Angeles, California 90030  
Telephone: (213) 978-2100  
TDD: (877) 275-5273  
Reference Number: 14.4

February 13, 2015

Ali Winston  
[awinston@cionline.org](mailto:awinston@cionline.org)

Dear Mr. Winston:

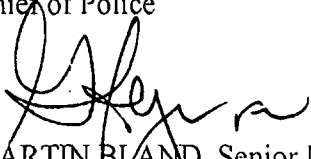
I have reviewed your request for records pertaining to the solicitation, deliberation and awarding of a contract between the Los Angeles Police Department (the Department) and Digital Receiver Technology, Incorporated for the purchase of a Cell Phone Tracking System. Your request was made pursuant to the California Public Records Act (the Act).

Please note that, pursuant to California Government Code Section 6253(c), I have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from another Department entity which is separate from the office processing the request; and the need to consult with other entities in the determination of your request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department – Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2155.

Very truly yours,

**CHARLIE BECK**  
Chief of Police

  
**MARTIN BLAND**, Senior Management Analyst  
Officer-in-Charge, Discovery Section  
Legal Affairs Division

2015 FEB 13 10:00 AM

AN EQUAL EMPLOYMENT OPPORTUNITY-AFFIRMATIVE ACTION EMPLOYER

[www.LAPDOnline.org](http://www.LAPDOnline.org)  
[www.joinLAPD.com](http://www.joinLAPD.com)

7182717798

# EXHIBIT F

2025.12.29

**From:** Ali Winston <[awinston@cionline.org](mailto:awinston@cionline.org)>  
**Date:** April 8, 2015 11:02:07 AM PDT  
**To:** CAYDENE MONK <[V9864@lapd.lacity.org](mailto:V9864@lapd.lacity.org)>  
**Subject:** Following up: California Public Records Act request, Digital Receiver Technology

Good morning,

I'm following up on my request under the California Public Records Act, dated February 3, 2015. On February 13, 2015, I received the attached letter requesting a 14-day extension request, citing "unusual circumstances" for this request "due to the need to search for, collect, and review the records from another Department entity which is separate from the office processing the request; and the need to consult with other entities in the determination of your request."

As of the current date (April 8, 2015), the time extension for this request as provided for by California law has lapsed, and I have yet to be provided with a written response to the request that explains LAPD's position with regard to my open records request. Also, to better understand the request for this 14-day extension, please identify both the department within LAPD being consulting with regard to this request, as well as the "other entities" contacted in regard to this records request.

Please acknowledge receipt of this email, and provide me with a prompt response regarding the status of my request.

Regards,

—  
Ali Winston  
917-334-5403  
Center for Investigative Reporting  
@awinston

2142017

961211011

# EXHIBIT G

96121736

**From:** "CAYDENE MONK" <[V9864@lapd.lacity.org](mailto:V9864@lapd.lacity.org)>

**Date:** April 9, 2015 1:40:50 PM PDT

**To:** "Ali Winston" <[awinston@cionline.org](mailto:awinston@cionline.org)>

**Subject:** Re: Following up: California Public Records Act request, Digital Receiver Technology

Good Afternoon Mr. Winston,

I have received your e-mail. I contacted both our Major Crimes Division and our Information Technology Division, both are looking into the status of our request for information pertaining to your request. I will contact you as soon as I have information regarding the status and/or findings. I expect to hear something soon.

Caydene Monk  
Management Analyst II  
LAPD - Legal Affairs Division  
Discovery - CPRA Unit  
(213) 978-2155

06/21/2016



06-11-1014

# EXHIBIT H

06/21/2017

**From:** Ali Winston <[awinston@cionline.org](mailto:awinston@cionline.org)>

**Date:** April 20, 2015 8:47:54 AM PDT

**To:** CAYDENE MONK <[V9864@lapd.lacity.org](mailto:V9864@lapd.lacity.org)>

**Subject:** Re: Following up: California Public Records Act request, Digital Receiver Technology

Good morning Ms Monk,

I'm following up on your last message. As per the state public records act, please provide me with a firm date for the production of records elucidated by my open records request from February 3rd of this year. We are far past the statutory date for production of records and I have yet to receive any determination regarding my request, nor a date for records production, nor any indication that either Major Crimes or Information Technology are actively looking into this matter.

Once again, my initial request included a city document regarding the proposed purchase of a device manufactured by Digital Receiver Technology almost a decade ago. At the very least, I should be receiving documents pertaining to that purchase request.

Please provide me with a date for the production of records, as well as the contacts in Major Crimes and Information Technology for the people who are handling this matter.

Regards,

Ali Winston

917-334-5403

Center for Investigative Reporting

@awinston

2015 APR 21 10:41:23

06/21/2016

# EXHIBIT I

06217014



DEPARTMENT OF HISTORY  
6265 BUNCHE HALL  
BOX 951473  
LOS ANGELES, CA 90095-1473

PHONE: (310) 825-4601  
FAX: (310) 206-9630

March 8, 2016

Los Angeles Police Department  
Discovery Section  
[discovery@lapd.lacity.org](mailto:discovery@lapd.lacity.org)

Dear Discovery Department,

CA PRA 6254(f) section 3 requires the release of the home addresses for all arrestees when the requestor makes the request for scholarly purposes and pledges under penalty of perjury that the data will not be used for commercial purposes. CA PRA 6254 (F) section 1 requires the release of "the full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds."

Based upon CA PRA 6254(f) section 3 as well as CA PRA(f) section 1, I am requesting the following information for all persons arrested by the LAPD since January 1, 2010.

Name  
Home address  
Booking Number  
Occupation  
Gender  
Race  
Time and date of arrest  
Time and date of booking  
Location of arrest  
Amount of bail set  
Time and manner of release or where the individual is currently being held  
All charges the individual is held upon

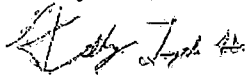
If the data is not available in a form that is already produced by the Department, I am requesting

that, as established by PRA 6253 (a) section 3, the Department "provide suggestions for overcoming any practical basis for denying access to the records or information sought." For example, can the Department provide copies of records containing different sections of the requested data? In other words, I am not requesting that the Department create a new data-set to fulfill this request, Rather, I am requesting that the Department work with me to find one or a multiple means of providing access to all of the data listed above.

I certify that under penalty of perjury I am requesting this data for scholarly research and will not use it for commercial purposes.

Please send a response to this PRA request within ten business days to [hernandez@history.ucla.edu](mailto:hernandez@history.ucla.edu)

All my best,



Kelly Lytle Hernandez  
Associate Professor  
Department of History

2012.11.15

06/21/2017



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# LOS ANGELES POLICE DEPARTMENT

**CHARLIE BECK**  
Chief of Police



**ERIC GARCETTI**  
Mayor

P. O. Box 30158  
Los Angeles, California 90030  
Telephone: (213) 978-2100  
TDD: (877) 275-5273  
Reference Number: 14.4

March 11, 2016

Ms. Kelly Hernandez  
hernandez@history.ucla.edu

Dear Ms. Hernandez:

I have reviewed your California Public Records Request for information pertaining to all persons arrested by the LAPD since January 1, 2010.

Please be advised that, pursuant to California Government Code Section 6253(c), I have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions regarding this correspondence, please contact Management Analyst Mary Taylor of the Discovery Section at (213) 978-2112.

Very truly yours,

**CHARLIE BECK**  
Chief of Police

A handwritten signature in black ink, appearing to read "Charlie Beck", is written over the printed name and title.

MARTIN BLAND, Senior Management Analyst  
Officer-in-Charge, Discovery Section  
Legal Affairs Division

4702112136

06/11/2011

# EXHIBIT K

961211201



DEPARTMENT OF HISTORY  
6265 BUNCHE HALL  
BOX 951473  
LOS ANGELES, CA 90095-1473

PHONE: (310) 825-4601  
FAX: (310) 206-9630

September 7, 2016

Los Angeles Police Department  
Discovery Section  
discovery@lapd.lacity.org

Dear Discovery Department,

I am submitting the CA PRA below as a follow up to my March 8, 2016 request.

CA PRA 6254(f) section 3 requires the release of the home addresses for all arrestees when the requester makes the request for scholarly purposes and pledges under penalty of perjury that the data will not be used for commercial purposes. CA PRA 6254 (F) section 1 requires the release of "the full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds." Based upon CA PRA 6254(f) section 3 as well as CA PRA(f) section 1, I am requesting the following information for all persons arrested by the LAPD since January 1, 2010.

Name

Booking Number

Occupation

Physical Description, including date of birth, color of eyes and hair, gender, weight and height

Time and Date of Arrest

Time and date of arrest

Time and date of booking

Location of arrest

Factual circumstances surrounding the arrest

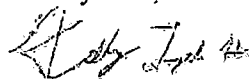
Amount of bail set

Time and manner of release or where the individual is currently being held

All charges the individual is held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

Home address, including street number, street name, city, state, and zip code

All my best,



Kelly Lytle Hernandez

Associate Professor

Departments of History and Black Studies

06/11/2014

# LOS ANGELES POLICE DEPARTMENT

**CHARLIE BECK**  
Chief of Police



**ERIC GARCETTI**  
Mayor

P. O. Box 30158  
Los Angeles, California 90030  
Telephone: (213) 978-2100  
TDD: (877) 275-5273  
Reference Number: 14.4

March 11, 2016

Ms. Kelly Hernandez  
hernandez@history.ucla.edu

Dear Ms. Hernandez:

I have reviewed your California Public Records Request for information pertaining to all persons arrested by the LAPD since January 1, 2010.

Please be advised that, pursuant to California Government Code Section 6253(c), I have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions regarding this correspondence, please contact Management Analyst Mary Taylor of the Discovery Section at (213) 978-2112.

Very truly yours,

**CHARLIE BECK**  
Chief of Police

A handwritten signature in black ink, appearing to read "M. Bland", with a long horizontal flourish extending to the right.

MARTIN BLAND, Senior Management Analyst  
Officer-in-Charge, Discovery Section  
Legal Affairs Division

0342142016

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# EXHIBIT L

9612112014

12/23/2016

Fwd: Re: PRA Request - Lytle Hernandez Sept. 7, 2016 - [REDACTED] Choi

Fwd: Re: PRA Request - Lytle Hernandez Sept. 7, 2016

Kelly Lytle Hernandez <hernandez@history.ucla.edu>

Thu 11/3/2016 12:21 PM

To: Adrienna Wong <AWong@ACLU.SOCAL.ORG>;

----- Forwarded Message -----

**Subject:** Re: PRA Request - Lytle Hernandez Sept. 7, 2016

**Date:** Mon, 3 Oct 2016 15:46:23 -0700

**From:** MARY ANN TAYLOR

**To:** Kelly Lytle Hernandez

Hi Kelly,

The request is still pending...as I'm still waiting to hear if a new program will be needed. I will provide you with an update as soon as I receive a response.

>>> Kelly Lytle Hernandez 10/3/2016 2:58 PM >>>

>

Hi Mary Ann -

It's me again. Any word from ADSD? I haven't received any response, including a response as to whether or not the request has been approved.

Kelly

On 9/30/16 10:08 AM, MARY ANN TAYLOR wrote:

Kelly,

I just received your voice mail...sorry for the delay in my response. I sent an update request to ADSD on the 28th when I received your email, but I have not received a response. I will try and speak to someone today to find out where they are on this request.

>>> Kelly Lytle Hernandez 9/28/2016 1:29 PM >>>

Thanks, Mary Ann. I was following up because the ten-day response period was nearing. It has now passed. Has ADSD been able to fulfill the request?

Sorry to be so curt. I'm trying to squeeze in a few more emails before my kids get home.

Best,

Kelly

Sent from my iPhone

On Sep 19, 2016, at 11:41 AM, MARY ANN TAYLOR <N5098@lapd.lacity.org> wrote:

Hi Kelly,

I think I mentioned your request was going to be handled as a new request; I was advised when I submitted the request that a new program may have to be created, but I have not received any further response. I'll request an update today.

>>> Kelly Lytle Hernandez <hernandez@history.ucla.edu> 9/15/2016 2:24 PM >>>

>

Hi Mary Ann -

It's me, again. I'm writing to see where things stand with y updated PRA request for LAPD arrest/custody data. Has ADSD been able to pull the data yet?

Kelly

On 9/8/16 8:53 AM, MARY ANN TAYLOR wrote:

I will forward your question to ADSD.

>>> Kelly Lytle Hernandez 9/8/2016 8:50 AM >>>

Thanks, Mary Ann.

Knowing that date of release is not available for so many entries, can LAPD provide the date of custody transfer and to which agency arrestees were transferred? I believe that is covered by the provisions of the CA PRA.

Kelly

Sent from my iPhone

On Sep 8, 2016, at 8:46 AM, MARY ANN TAYLOR <N5098@lapd.lacity.org> wrote:

Good Morning Kelly,

Fwd: Re: PRA Request - Lytle Hernandez Sept. 7, 2016 - [REDACTED] Choi

Mary

Kelly Lytle Hernandez

Current Research: [milliondollarhoods.org](http://milliondollarhoods.org)  
Forthcoming Book: *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles* (University of North Carolina Press, April 2017)

981211304

# EXHIBIT M

06/21/2014



DEPARTMENT OF HISTORY  
6265 BUNCHE HALL  
BOX 951473  
LOS ANGELES, CA 90095-1473

PHONE: (310) 825-4601  
FAX: (310) 206-9630

November 3, 2016

Los Angeles Police Department  
Discovery Section  
discovery@lapd.lacity.org

To LAPD Discovery Section

I write to follow up on my outstanding record request with the Los Angeles Police Department (LAPD) under the California Public Records Act (CPRA).

I submitted a request on September 7, 2016 as a revised follow-up to my March 8, 2016 CPRA request. The LAPD has failed to respond to my September 2016 request or to produce the relevant records. As a courtesy, a copy of my latest request is attached to this letter.

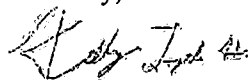
As you are aware, the CPRA requires LAPD to reach a determination on a records request within ten days from receipt of the request, and authorizes the agency to request a single fourteen-day extension to produce the records in "unusual circumstances." See Cal. Gov't Code § 6254(c). Yet LAPD never provided me with a determination regarding my original request, nor did it request a fourteen-day extension. It has now been more than forty business days since I filed my request. The LAPD's delay violates its statutory obligations under the CPRA.

Moreover, the CPRA unambiguously requires that LAPD disclose the information that I have requested. Section 6254(f) of the statute provides that state and local law enforcement agencies "shall make public" the information I have requested in items (a) and items (c)-(k) of the attached request, except where doing so "would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation." Cal. Gov't Code § 6254(f)(1). The CPRA obligates the LAPD to disclose the requested information unless it demonstrates that disclosing the requested information would fall under one of these exemptions.

The CPRA further provides that state and local law enforcement agencies shall disclose the information that I requested in item (l), as long as the requester declares "that the request is made for a scholarly, journalistic, political, or governmental purpose" and the information will not be used, directly or indirectly, to sell products or services. Cal. Gov't Code § 6254(f)(3). Since I have declared that I am an academic at the University of California, Los Angeles seeking to use this information for purely scholarly purposes, the CPRA obligates the LAPD to disclose this information.

For the above reasons, I am already entitled to bring judicial proceedings against the LAPD to enforce my right to receive copies of records under the CPRA. Cal. Gov't Code § 6258. Please promptly provide me with the requested records to avoid the need for litigation.

Sincerely,



Kelly Lytle Hernandez

Associate Professor

departments of History and African American Studies

667117917

06/21/2014



# EXHIBIT N

06/21/2014

----- Forwarded Message -----

**Subject:**Re: Lytle Hernandez Sept 7 2016 PRA request

**Date:**Mon, 14 Nov 2016 19:53:26 +0000

**From:**Mary Taylor <n5098@lapd.online>

**To:**Kelly Lytle Hernandez <hernandez@history.ucla.edu>

Good Morning Kelly,

I wanted to provide you with a status on your request.

Unfortunately, ADSD is down to one employee; that last employee is also leaving in a few weeks. New staff is being trained; however, all pending requests have been affected/delayed by the staffing shortage.

Your patience is appreciated.

Mary

---

**From:** Kelly Lytle Hernandez <hernandez@history.ucla.edu>

**Sent:** Thursday, November 3, 2016 9:50 AM

**To:** Mary Taylor; Discovery

**Subject:** Lytle Hernandez Sept 7 2016 PRA request

Dear Mary Ann -

Please see attached follow up to my September 7, 2016 PRA request.

best,

Kelly Lytle Hernandez

--

Kelly Lytle Hernandez  
Associate Professor  
departments of History and African-American Studies, UCLA

Current Research: [milliondollarhoods.org](http://milliondollarhoods.org)

Forthcoming Book: *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles* (University of North Carolina Press, April 2017)

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Kelly Lytle Hernandez  
Associate Professor  
departments of History and African-American Studies, UCLA

Current Research: [milliondollarhoods.org](http://milliondollarhoods.org)

Forthcoming Book: *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles* (University of North Carolina Press, April 2017)

05/11/2017

06/11/2017

# EXHIBIT O

08121112011



DEPARTMENT OF HISTORY  
6265 BUNCHE HALL  
BOX 951473  
LOS ANGELES, CA 90095-1473

PHONE: (310) 825-4601  
FAX: (310) 206-9630

March 23, 2016

Discovery Section  
Los Angeles Police Department  
discovery@lapd.lacity.org

I am writing to submit a CA Public Records Act request to receive copies (which I will pay for) of all documents relating to the topics and subjects listed below. I am aware that a similar PRA request was made on August 4, 2012 by Max Felker Kantor and approved by LAPD on August 16, 2012. I have attached a copy of the prior approval for your consideration.

**Materials relating to the Office of the Chief of Police under Chief William Parker, Chief Edward Davis, and Chief Daryl Gates between the years (1965 and 1992) including inter-departmental correspondence, meeting minutes, and policy directives. These materials are in Records Groups PDX, PDX/80, PDX/82, PDX/98 and PDC.**

**The other subject of the materials I am requesting relate to civil rights organizations, community groups, responses to urban unrest and riots by the police department, and policies relating to gangs and drug trafficking during between [sic] 1965 and 1992.**

All my best,

A handwritten signature in dark ink, appearing to read "Kelly Lytle Hernandez".

Kelly Lytle Hernandez  
Associate Professor  
Department of History

210211

710277798

# EXHIBIT P

06/11/2014



# LOS ANGELES POLICE DEPARTMENT



**CHARLIE BECK**  
Chief of Police

**ANTONIO R. VILLARAIGOSA**  
Mayor

P. O. Box 30158  
Los Angeles, California 90030  
Telephone: (213) 978-2100  
TDD: (877) 275-5273  
Reference Number: 14.4

August 16, 2012

Mr. Max Felker-Kantor  
University of Southern California  
Department of History  
Social Sciences Building (SOS) 153  
3502 Trousdale Parkway  
Los Angeles, California 90089-0034

Dear Mr. Felker-Kantor:

This letter is to respond to your request, dated August 4, 2012, and received by the Los Angeles Police Department ("Department") Discovery Section on August 6, 2012, for records pursuant to the California Public Records Act (Cal. Govt. Code Section 6250, *et seq.*, hereafter "CPRA" or "Act."). While your request was directed to the Department, it appears that the executive office of the Board of Police Commissioners ("Commission") is also in possession of certain responsive documents. Therefore, please treat this letter as the response of both the Department and the Commission.

The Police Department and the Commission are cognizant of their responsibilities under the Act. They recognize that the statutory scheme was enacted in order to maximize citizen access to the workings of government. However, the Act does not mandate the disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the CPRA or pursuant to applicable federal or state law.

Specifically, your request seeks the following:

**Materials relating to the Office of the Chief of Police under Chief William Parker, Chief Edward Davis, and Chief Daryl Gates between the years (1965 and 1992) including inter-departmental correspondence, meeting minutes, and policy directives. These materials are in Records Groups PDX, PDX/80, PDX/82, PDX/98 and PDC.**

20120816

Mr. Max Felker-Kantor

Page 2

14.4

**The other subject of the materials I am requesting relate to civil rights organizations, community groups, responses to urban unrest and riots by the police department, and policies relating to gangs and drug trafficking during between [sic] 1965 and 1992.**

Response:

Commission staff has identified approximately 173 boxes containing potentially responsive documents. The Department has identified approximately 81 boxes containing documents which may be responsive to your request. Consequently, there are approximately 254 total boxes potentially responsive to your request. There is an estimated 3,000 plus pages of documents in each box.

While both the Department and Commission are aware that some sort of access to the records contained in the boxes identified may have been granted pursuant to requests dating back to the 1980s and 1990s, there is no way of knowing the scope of that access, and whether information and/or complete documents were redacted under exemptions of the Act. Therefore, the Department and Commission must treat your request as calling for a new and independent review of the contents of the subject boxes, in order to make this preliminary assessment.

The LAPD Discovery Unit is responsible for myriad responsibilities associated with the records of the Department, including but not limited to responding to California Public Records Act requests, letter requests, motions in criminal and civil cases for access to confidential and privileged peace officer personnel records, and subpoenas. All of these tasks are performed by a limited number of assigned personnel, whose work schedules have been severely impacted by the fiscal challenges facing the Department, and the City generally.

Notwithstanding the above, both the Department and Commission desire to provide the greatest degree of access to the documents in question as is reasonably possible, and legally permissible. In that regard, the boxes will be made available for your inspection immediately following a review of each box's contents by the Department, to identify any records (or information) over which an exemption would lawfully apply. As each box review is concluded, you will be notified of its availability. It is estimated that staff assigned to perform this task, in addition to their other assigned duties and responsibilities, will make every effort to complete 1-2 box reviews per week. Please note that more boxes may be available per week, depending on the overall nature of the documents contained therein.

107-17-38

Mr. Max Felker-Kantor

Page 3

14.4

Copies of any record shall be made following payment of the direct cost of duplication. Please note that only checks or money orders are processed at the counter. Make your check/money order payable to the LAPD. You may pick up the documents during the hours and location listed below:

Office Hours: 8:00 a.m. – 4:30 p.m. Monday – Friday, excluding holidays

Location: LAPD – Discovery Section  
201 N. Los Angeles St., Space 301  
Los Angeles, CA 90012

If you have any questions regarding this correspondence, please contact Senior Management Analyst Greg Toyama of the Discovery Section at (213) 978-2178.

Very truly yours,

CHARLIE BECK  
Chief of Police



MARTIN BLAND, Senior Management Analyst  
Officer-in-Charge, Discovery Section  
Risk Management Division

cc: Richard Tefank, Executive Director, Los Angeles Police Commission

06121101

06/21/2014

# EXHIBIT Q

06/21/2017

12/23/2016

Fwd: Re: Fwd: Re: Fwd: Fwd: Fwd: PRA Request - Kelly Lytle Hernandez

Fwd: Re: Fwd: Re: Fwd: Fwd: Fwd: PRA Request

Kelly Lytle Hernandez <hernandez@history.ucla.edu>

Thu 11/3/2016 12:18 PM

To: Adrienna Wong <AWong@ACLUSOCAL.ORG>;

----- Forwarded Message -----

Subject: Re: Fwd: Re: Fwd: Fwd: Fwd: PRA Request  
Date: Wed, 12 Oct 2016 12:44:48 -0700  
From: Kelly Lytle Hernandez  
To: GREG TOYAMA

Dear Mr. Toyama -

I am writing to follow up on our phone conversation from several weeks ago. At that time, you confirmed that you would be sending me a formal response letter regarding my request for historical LAPD documents relating to previous chiefs and task forces. I have not yet received the LAPD's formal response letter nor a formal explanation as to when and how the documents will be made available if approved. As a reminder, this is a CA PRA request that LAPD originally approved in 2007 for another requester. My first request for this material was made on March 23, 2016. LAPD is now grossly overdue in responding to this CA PRA request.

Kelly Lytle Hernandez

On 6/28/16 12:33 PM, Kelly Lytle Hernandez wrote:

Dear Mr. Toyama -

I am writing to follow up on my PRA request mentioned in the email below. Please send the LAPD response letter directly to my email.

Kelly Lytle Hernandez

----- Forwarded Message -----

Subject: Re: Fwd: Fwd: Fwd: PRA Request  
Date: Thu, 23 Jun 2016 12:52:05 -0700  
From: Kelly Lytle Hernandez  
CC: GREG TOYAMA

Dear Mr. Toyama,

I am forwarding directly to you a copy of my March 23, 2016 PRA request. Since then, I have sent several follow up emails but not received any response for LAPD.

Kelly Lytle Hernandez

On 6/23/16 9:19 AM, MARY ANN TAYLOR wrote:

Good Morning Kelly,  
I would only have information if that request had been assigned to me; and it wasn't. I'll forward your inquiry to Greg Toyama. He's the supervisor of the CPRA Unit.  
mt

>>> Kelly Lytle Hernandez 6/23/2016 8:52 AM >>>  
>

Good morning, Mary Ann -

Now that we have resolved the arrest data issue, I am writing to follow up on the request below. I never received a response from the LAPD nor the supervisor of the CPRA Section. Do you have an update?

Best,

Kelly

On 4/26/16 6:46 AM, MARY ANN TAYLOR wrote:

Good Morning Kelly,  
Today is my first day back, after being off for a couple of days. I just read your message, and I forwarded your request to the supervisor in charge of the CPRA Section.

Mary Taylor  
Management Analyst II  
Los Angeles Police Department  
LAD - Discovery Section  
Office: (213) 978-2112

12/23/2016

Fwd: Re: Fwd: Re: Fwd: Fwd: Fwd: PRA Request - Ka Choi

Fax: (213) 978-2080

>>> Kelly Lytle Hernandez 4/22/2016 8:10 AM >>>  
> Dear Mary Ann,

Attached is a CA PRA request I have emailed three times to [discovery@lapd.lacity.org](mailto:discovery@lapd.lacity.org) but I have not yet received confirmation of receipt. I have also called the office and they have no record of receiving this request. Would you be able to direct this request to the appropriate person? I am hoping to get this request formally submitted.

Best,  
Kelly

----- Forwarded Message -----  
Subject: Fwd: PRA Request  
Date: Wed, 13 Apr 2016 14:23:17 -0700  
From: Kelly Lytle Hernandez  
To: [DISCOVERY@lapd.lacity.org](mailto:DISCOVERY@lapd.lacity.org)

I am resubmitting the PRA requests below. Please confirm receipt.

Kelly Lytle Hernandez

----- Forwarded Message -----  
Subject: Fwd: PRA Request  
Date: Wed, 6 Apr 2016 19:39:24 -0700  
From: Kelly Lytle Hernandez  
To: DISCOVERY DISCOVERY

I am forwarding the PRA request I made below on March 23, 2016. I did not receive a confirmation that the request was received by LAPD Discovery. Please confirm receipt of this request.

Thanks!  
Prof. Kelly Lytle Hernandez

----- Forwarded Message -----  
Subject: PRA Request  
Date: Wed, 23 Mar 2016 12:22:16 -0700  
From: Kelly Lytle Hernandez  
To: [discovery@lapd.lacity.org](mailto:discovery@lapd.lacity.org)

Please see attached CA PRA request dated March 23, 2016, and supporting document dated August 16, 2012.

Prof. Kelly Lytle Hernandez

--  
Kelly Lytle Hernandez  
Associate Professor, Department of History, UCLA

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Kelly Lytle Hernandez  
Associate Professor, Department of History, UCLA

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Kelly Lytle Hernandez  
Associate Professor, Department of History, UCLA

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Kelly Lytle Hernandez  
Associate Professor, Department of History, UCLA

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Kelly Lytle Hernandez  
Associate Professor, Department of History, UCLA

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Kelly Lytle Hernandez

12/23/2016

Fwd: Re: Fwd: Re: Fwd: Fwd: Fwd: PRA Request - Ka Choi

Associate Professor, Department of History, UCLA

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Kelly Lytle Hernandez  
Associate Professor, Department of History, UCLA

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Kelly Lytle Hernandez  
Associate Professor  
departments of History and African-American Studies, UCLA

Current Research: [milliondollarhoods.org](http://milliondollarhoods.org)

Forthcoming Book: *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles* (University of North Carolina Press, April 2017)

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Kelly Lytle Hernandez  
Associate Professor  
departments of History and African-American Studies, UCLA

Current Research: [milliondollarhoods.org](http://milliondollarhoods.org)

Forthcoming Book: *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles* (University of North Carolina Press, April 2017)

12/23/2016



961112014

# EXHIBIT R

961211201



DEPARTMENT OF HISTORY  
6265 BUNCHE HALL  
BOX 951473  
LOS ANGELES, CA 90095-1473

PHONE: (310) 825-4601  
FAX: (310) 206-9630

August 11, 2016

Discovery Section  
Los Angeles Police Department  
discovery@lapd.lacity.org

According to the provisions of the California Public Records Act, I am writing to request copies of any documents (such as internal studies and correspondence) regarding the development of the budget for the department's Custody Division between 2010 and 2015.

All my best,

A handwritten signature in cursive script, appearing to read "Kelly Lytle Hernandez".

Kelly Lytle Hernandez  
Associate Professor  
Department of History

08/11/2016

981211017

# EXHIBIT S

2021.12.24

October 10, 2016

Custodian of Records  
LAPD Discovery Section  
201 N Los Angeles St, Ste. 301  
Los Angeles, CA 90012

RE: OFFICER EDEN MEDIAN SERIAL NO. 40914; OFFICER INVOLVED SHOOTING HISTORY

To Whom It May Concern:

Pursuant to *Long Beach Police Officers Association v. City of Long Beach*, as well as my rights under the California Public Records Act (Government Code Section 6250 et seq.), I am requesting copies of the following, which I understand to be held by the Los Angeles Police Department:

- This request seeks the dates, locations, summaries, and type of shooting of any and all officer-involved shootings involving Police Officer II Eden Median, Serial No. 40914.

Based the California Supreme 6-1 ruling in *Long Beach Police Officers Association vs. City of Long Beach*, the Los Angeles Police Department must articulate a specific threaten to the safety of any one of these officers in order to keep their names secret. If not, then the public's interest in knowing the names of these officers outweighs police privacy concerns, and the identities of all responsible parties must be disclosed under state public records law.

From the court's ruling:

***"In a case such as this one, which concerns officer-involved shootings, the public's interest in the conduct of its peace officers is particularly great because such shootings often lead to severe injury or death. Here, therefore, in weighing the competing interests, the balance tips strongly in favor of identity disclosure and against the personal privacy interests of the officers involved."***

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at the following:

Shawn Nee  
shawn@discarded.com

I ask that you notify me of any duplication costs exceeding \$50.00 before you duplicate the records so that I may decide which records I want copied.

October 10, 2016

Custodian of Records  
LAPD Discovery Section  
201 N Los Angeles St, Ste. 301  
Los Angeles, CA 90012

RE: OFFICER II EUI JOUNG, SERIAL NO. 39150; OFFICER INVOLVED SHOOTING HISTORY

To Whom It May Concern:

Pursuant to *Long Beach Police Officers Association v. City of Long Beach*, as well as my rights under the California Public Records Act (Government Code Section 6250 et seq.), I am requesting copies of the following, which I understand to be held by the Los Angeles Police Department:

- This request seeks the dates, locations, summaries, and type of shooting of any and all officer-involved shootings involving Police Officer II Eui joun, Serial No. 39150, Badge No. 20722.

Based the California Supreme 6-1 ruling in *Long Beach Police Officers Association vs. City of Long Beach*, the Los Angeles Police Department must articulate a specific threaten to the safety of any one of these officers in order to keep their names secret. If not, then the public's interest in knowing the names of these officers outweighs police privacy concerns, and the identities of all responsible parties must be disclosed under state public records law.

From the court's ruling:

***"In a case such as this one, which concerns officer-involved shootings, the public's interest in the conduct of its peace officers is particularly great because such shootings often lead to severe injury or death. Here, therefore, in weighing the competing interests, the balance tips strongly in favor of identity disclosure and against the personal privacy interests of the officers involved."***

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at the following:

Shawn Nee  
shawn@discarted.com

I ask that you notify me of any duplication costs exceeding \$50.00 before you duplicate the records so that I may decide which records I want copied.

October 10, 2016

Custodian of Records  
LAPD Discovery Section  
201 N Los Angeles St, Ste. 301  
Los Angeles, CA 90012

RE: OFFICER JONATHAN JOHNSON SERIAL 37836; OFFICER INVOLVED SHOOTING HISTORY

To Whom It May Concern:

Pursuant to *Long Beach Police Officers Association v. City of Long Beach*, as well as my rights under the California Public Records Act (Government Code Section 6250 et seq.), I am requesting copies of the following, which I understand to be held by the Los Angeles Police Department:

- This request seeks the dates, locations, summaries, and type of shooting of any and all officer-involved shootings involving Police Officer Jonathan Johnson, Serial No. 37836.

Based the California Supreme 6-1 ruling in *Long Beach Police Officers Association vs. City of Long Beach*, the Los Angeles Police Department must articulate a specific threaten to the safety of any one of these officers in order to keep their names secret. If not, then the public's interest in knowing the names of these officers outweighs police privacy concerns, and the identities of all responsible parties must be disclosed under state public records law.

From the court's ruling:

***"In a case such as this one, which concerns officer-involved shootings, the public's interest in the conduct of its peace officers is particularly great because such shootings often lead to severe injury or death. Here, therefore, in weighing the competing interests, the balance tips strongly in favor of identity disclosure and against the personal privacy interests of the officers involved."***

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at the following:

Shawn Nee  
shawn@discarted.com

I ask that you notify me of any duplication costs exceeding \$50.00 before duplicating records.

2016 OCT 10



9643112014

# EXHIBIT T

06/21/2014

October 10, 2016

Custodian of Records  
LAPD Discovery Section  
201 N Los Angeles St, Ste. 301  
Los Angeles, CA 90012

RE: OFFICER II RAINA FOSTER, SERIAL NO. 40721; OFFICER INVOLVED SHOOTING HISTORY

To Whom It May Concern:

Pursuant to *Long Beach Police Officers Association v. City of Long Beach*, as well as my rights under the California Public Records Act (Government Code Section 6250 et seq.), I am requesting copies of the following, which I understand to be held by the Los Angeles Police Department:

- This request seeks the dates, locations, summaries, and type of shooting of any and all officer-involved shootings involving Police Officer II Raina Foster, Serial No. 40721, Badge No. 21818.

Based the California Supreme 6-1 ruling in *Long Beach Police Officers Association vs. City of Long Beach*, the Los Angeles Police Department must articulate a specific threaten to the safety of any one of these officers in order to keep their names secret. If not, then the public's interest in knowing the names of these officers outweighs police privacy concerns, and the identities of all responsible parties must be disclosed under state public records law.

From the court's ruling:

***"In a case such as this one, which concerns officer-involved shootings, the public's interest in the conduct of its peace officers is particularly great because such shootings often lead to severe injury or death. Here, therefore, in weighing the competing interests, the balance tips strongly in favor of identity disclosure and against the personal privacy interests of the officers involved."***

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at the following:

Shawn Nee  
shawn@discarted.com

I ask that you notify me of any duplication costs exceeding \$50.00 before duplicating records.

20161010

# LOS ANGELES POLICE DEPARTMENT



**CHARLIE BECK**  
Chief of Police

**ERIC GARCETTI**  
Mayor

P. O. Box 30158  
Los Angeles, California 90030  
Telephone: (213) 978-2100  
TDD: (877) 275-5273  
Reference Number: 14.4

October 21, 2016

Mr. Shawn Nee  
shawn@discarted.com

Dear Mr. Nee:

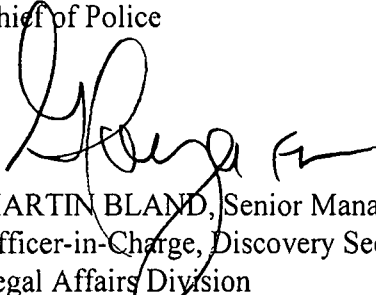
I have received your California Public Records Request for "the dates, locations, summaries, and type of shooting of any and all officer-involved shootings involving Police Officer II Raina Foster, Serial No. 40721, Badge No. 21818."

Please be advised that, pursuant to California Government Code Section 6253(c), I have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions regarding this correspondence, please contact Management Analyst Mary Taylor of the Discovery Section at (213) 978-2112.

Very truly yours,

**CHARLIE BECK**  
Chief of Police

  
**MARTIN BLAND**, Senior Management Analyst  
Officer-in-Charge, Discovery Section  
Legal Affairs Division

720717190

# EXHIBIT U

06/21/2011

October 10, 2016

Custodian of Records  
LAPD Discovery Section  
201 N Los Angeles St, Ste. 301  
Los Angeles, CA 90012

RE: OFFICER JENNIFER NODES SERIAL 38200; OFFICER INVOLVED SHOOTING HISTORY

To Whom It May Concern:

Pursuant to *Long Beach Police Officers Association v. City of Long Beach*, as well as my rights under the California Public Records Act (Government Code Section 6250 et seq.), I am requesting copies of the following, which I understand to be held by the Los Angeles Police Department:

- This request seeks the dates, locations, summaries, and type of shooting of any and all officer-involved shootings involving Police Officer Jennifer Nodes, Serial No. 38200.

Based the California Supreme 6-1 ruling in *Long Beach Police Officers Association vs. City of Long Beach*, the Los Angeles Police Department must articulate a specific threaten to the safety of any one of these officers in order to keep their names secret. If not, then the public's interest in knowing the names of these officers outweighs police privacy concerns, and the identities of all responsible parties must be disclosed under state public records law.

From the court's ruling:

***"In a case such as this one, which concerns officer-involved shootings, the public's interest in the conduct of its peace officers is particularly great because such shootings often lead to severe injury or death. Here, therefore, in weighing the competing interests, the balance tips strongly in favor of identity disclosure and against the personal privacy interests of the officers involved."***

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at the following:

Shawn Nee  
shawn@discarted.com

I ask that you notify me of any duplication costs exceeding \$50.00 before duplicating records.

2016 OCT 10 PM 4:00

# LOS ANGELES POLICE DEPARTMENT



**CHARLIE BECK**  
Chief of Police

**ERIC GARCETTI**  
Mayor

P. O. Box 30158  
Los Angeles, California 90030  
Telephone: (213) 978-2100  
TDD: (877) 275-5273  
Reference Number: 14.4

November 9, 2016

Mr. Shawn Nee  
shawn@discarted.com

Dear Mr. Nee:

I have reviewed your California Public Records Act (the Act) request for the dates, locations, summaries, and type of shooting of any and all officer-involved shootings involving Police Officer Jennifer Nodes, Serial No. 38200.

The Los Angeles Police Department (the Department) is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

Staff from Use of Force Review Division conducted a search and an incident involving Officer Nodes occurred on August 19, 2016. A press release with information regarding the incident is located on the Department's website at [http://www.lapdonline.org/home/news\\_view/61194](http://www.lapdonline.org/home/news_view/61194).



Mr. Shawn Nee

Page 2

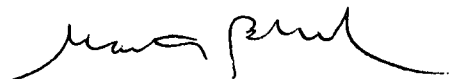
14.4

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department – Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions regarding this correspondence, please contact Management Analyst Jennifer Trinidad of the Discovery Section at (213) 978-2153.

Very truly yours,

CHARLIE BECK

Chief of Police

A handwritten signature in black ink, appearing to read 'Martin Bland', written over a horizontal line.

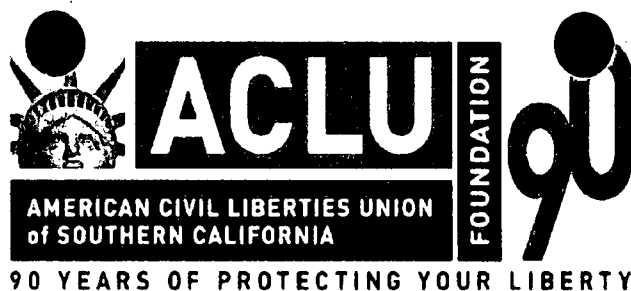
MARTIN BLAND, Senior Management Analyst  
Officer-in-Charge, Discovery Section  
Legal Affairs Division

10111138

061112014

# EXHIBIT V

1071738



*Via United States Postal Service Certified Mail*

July 29, 2014

Los Angeles Police Department  
P.O. Box 30158  
Los Angeles, CA 90030

**Re: California Public Records Act Request re: Cell Site Simulators, or "StingRays"**

To Whom It May Concern:

The ACLU of Southern California ("ACLU SoCal") has long been concerned by the increasing use of new surveillance technologies by law enforcement agencies across California without appropriate privacy safeguards. One such technology that raises concerns are "cell site simulators." Also called "IMSI catchers," referring to the International Mobile Subscriber Identity that uniquely identifies each cellular device, or StingRays, after the brand name of one such device sold by the Harris Corporation., Cell site simulators mimic a wireless carrier's antenna and base station.<sup>1</sup> The simulator signals to devices in the area, and wireless devices in the area respond and identify themselves, communicating with the device as if it were a wireless carrier's cell tower. This allows the user to identify the location of all mobile devices in the area, and potentially other information about the device or its communications.

Because of our concerns with the expanding use of Stingrays and other cell site simulators, I am writing to request, pursuant to the California Public Records Act (California Government Code § 6250 et seq.), a copy of the following public records related to the use of cell site simulators that are in possession of your agency:

- (1) All Records related to the number of Cell Site Simulators owned, operated and/or used by the agency, unit, position and/or individuals with access to and/or control over the devices.<sup>2</sup>

<sup>1</sup> For purposes of these requests, the term "Cell Site Simulators" shall be interpreted to include "IMSI catchers", or other technologies designed to imitate the cellular towers or base stations of wireless carriers and receive signals (including IMSI information) emitted from wireless cellular telephones, including but not limited to the Gossamer, Triggerfish, Hailstorm, Kingfish, Amberjack, or Digital Analyzer.

<sup>2</sup> The term "Records," for purposes of these requests, is defined to include "writing" as that term is defined by Govt. Code § 6252(g), as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation,

- (2) All Records related to the technical specifications of any Cell Site Simulators owned, operated, used or sought by the agency.
- (3) All Records related to the policies, practices, customs, or training on the use of Cell Site Simulators, including but not limited to any policies, practices, customs, or training on when and how to seek a warrant to use the devices or whether there are any locations on where Cell Site Simulators can be used.
- (4) All Records related to, referring to, or mentioning the number of times agency employees have used Cell Site Simulators from January 1, 2008 through present, as well as the number of those instances agency employees obtained a warrant to use the device.
- (5) All Records relating or referring to any applications for grants or other funding seeking to pay, in part or in whole, for Cell Site Simulators to be operated or used by the agency from January 1, 2008 through present.
- (6) All Records relating or referring to what information and data agency officials collect through the use of Cell Site Simulators (such as IMSI numbers, names, PEN registers, text or audio communications).
- (7) All Records relating or referring to any policies, practices, protocols or training relating to the handling of data obtained by Cell Site Simulators, including but not limited to access restrictions on such data, security of such data, limitations on sharing data with other entities, and oversight and auditing practices to ensure any restrictions on use or access are followed.
- (8) All Records reflecting standard language, form(s) or template(s) utilized by the agency for requesting a warrant or other court order, including subpoenas, authorizing use of the StingRay device or other cell site simulator technologies or technologies to detect radio signals emitted from wireless cellular telephones from January 1, 2008 through present.
- (9) Unsealed warrants or court orders reflecting the use of the StingRay device or other cell site simulator devices or technologies to detect radio signals emitted from wireless cellular telephones from January 1, 2008 through present.
- (10) The number of times each year that data gathered through use of the StingRay or other cell site simulator devices or technologies was used in the investigation of any crime, including the role, if any, it played in identifying, arresting and/or convicting suspects from January 1, 2008 through present.

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including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored,” and includes but is not limited to emails, notes, presentations, manuals, proposals, policies, maps, training materials, powerpoints, handouts, computer files, memos, drafts or other documents.

2025-11-19

- (11) Which departments, units, assignments individuals currently have access to the data gathered by cell site simulator devices or technologies to detect radio signals emitted from wireless cellular telephones and for what purposes.
- (12) All Records, including but not limited to emails, notes, presentations, manuals, proposals, policies, maps, computer files, or other documents, related to cell site simulators owned, operated and/or used by the agency or its employees, not responsive to one of the other requests in this letter.

These requests are made pursuant to the California Public Records Act ("CPRA"), California Government Code § 6250 *et seq.* The CPRA requires responding agencies to provide a response within ten (10) days of receipt of a request. *See* Gov. Code § 6256.

In enacting the PRA, the Legislature recognized that "a requester, having no access to agency files, may be unable to precisely identify the documents sought. Thus, writings may be described by their content. . . . An agency is thus obliged to search for records based on criteria set forth in the search request." *California First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159, 165-66 (1998); *see also* § 6253(b). The PRA also requires the government to "assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records" by taking steps to "[a]ssist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated. § 6253.1(a). An agency that receives a request must also "[p]rovide suggestions for overcoming any practical basis for denying access to the records or information sought." *Id.*

If any records are claimed to be exempt from disclosure, I request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest, consistent with California Government Code § 6253(a). Additionally, if any records are withheld or redacted, please provide a written response that describes with specificity each and every record that is being withheld or redacted and the claimed reason for exemption under the California Public Records Act, along with supporting legal authority or authorities.

I request that you waive any copying fees because the ACLU of Southern California is a non-profit civil rights organization. *See North County Parents Organization v. Department of Education*, 23 Cal. App. 4th 144 (1994). No part of the information obtained will be sold or distributed for profit. If you do not agree to waive the copying fees, please inform me of any potential duplication costs exceeding \$50.00 prior to copying.

I also request that you provide any public record identified above that exists in the following electronic formats to me in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, and PowerPoint. *See* California Government Code § 6253.9.

I look forward to working with you to obtain the public records we have requested and look forward to your response to this request within ten days of receipt of this letter. *See* California Government Code § 6253(c). Please send all public records responsive to this request to my attention, either by mail or email.

If you have any questions about this request, please do not hesitate to contact me at (213) 977-5295 or my legal assistant, Geneva Tien, at (213) 977-5279.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bibring". The signature is fluid and cursive, with the first name "Peter" and last name "Bibring" clearly distinguishable.

Peter Bibring  
Staff Attorney  
ACLU of Southern California  
1313 West 8th Street  
Los Angeles, CA 90017  
pbibring@aclusocal.org

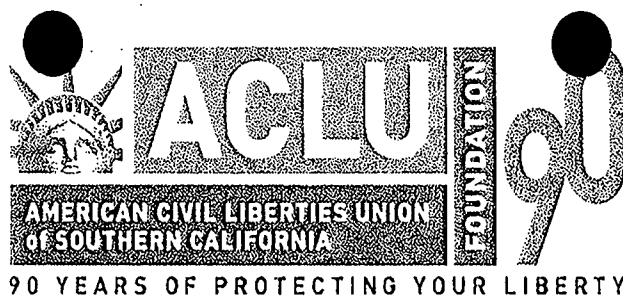
20110727

06/21/2014



# EXHIBIT W

0612112014



*Via United States Postal Service Certified Mail*

September 29, 2014

Los Angeles Police Department  
P.O. Box 30158  
Los Angeles, CA 90030

**Re: July 29, 2014 Public Records Act Request re: Cell Site Simulators, or "Stingrays"**

To Whom It May Concern:

On July 29, 2014, the ACLU of Southern California ("ACLU SoCal") mailed to your agency a request for certain public records, pursuant to the California Public Records Act ("CPRA"), Cal. Gov't Code § 6250 *et seq.* The request concerned records of "cell site simulators," also known as StingRays, that are in the possession of your agency

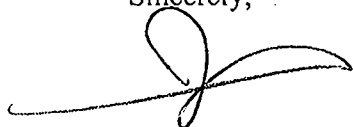
We have not received any response from your agency, which was required to respond by July 12, 2014. The CPRA imposes strict timelines for responding to such requests; the California Legislature mandates that all state and local agencies, upon receipt of a request for public records, (1) determine whether the requested records are "disclosable"—in whole or in part—and (2) "promptly notify" the requestor of that determination "within 10 days from receipt of the request." Cal. Gov't Code § 6253(c). Only in specifically enumerated "unusual circumstances" may an agency extend this timeline. *See* Cal. Gov't Code § 6253(c)(1)-(4). In exercising a determination-notice extension, the agency must (1) give written notice to the requestor, (2) set forth the reasons for the extension, and (3) set forth the date on which a determination is expected to be dispatched—in no event shall that date "result in an extension for more than 14 days." *Id.*

To the extent your agency has determined that part or all of the requested records are not disclosable or are exempt from disclosure, you must—in writing—"justify withholding" by specifically "demonstrating" that the records are exempt as applied to the "facts of the particular case." Cal. Gov't Code § 6255. Blanket objections do not satisfy this statutory obligation. *See Am. Civil Liberties Union of N. Cal. v. Super. Ct.*, 202 Cal. App. 4th 55, 82 (Cal. Ct. App. 2011) ("[W]e do not believe an agency's bare conclusion that information is not responsive to a request is any more self-explanatory than its bare conclusion that information is exempt. . . . [T]he agency must be required to provide the requesting party 'adequate specificity . . . to assur[e] proper justification by the governmental agency.'" (citing *Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C. Cir. 1973))).

2014 SEP 29 10 12 AM

I look forward to working with you to obtain the public records we have requested. If you think that our request can be improved by any narrowing or clarification, please do not hesitate to write me at [jprice@aclusocal.org](mailto:jprice@aclusocal.org) or call me at (213) 977-5233.

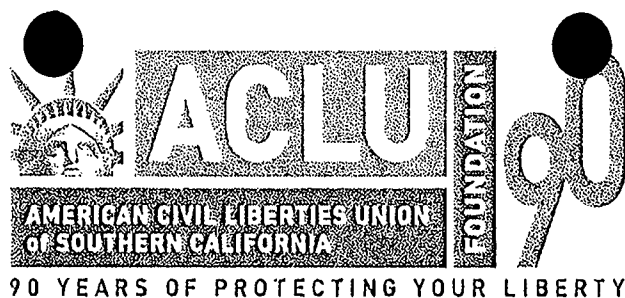
Sincerely,

A handwritten signature in black ink, appearing to be 'Jessica Price', with a long horizontal flourish extending to the left.

Jessica Price  
Staff Attorney

Enclosure: Request dated July 29, 2014

7107.77.98



*Via United States Postal Service Certified Mail*

July 29, 2014

Los Angeles Police Department  
P.O. Box 30158  
Los Angeles, CA 90030

**Re: California Public Records Act Request re: Cell Site Simulators, or "StingRays"**

To Whom It May Concern:

The ACLU of Southern California ("ACLU SoCal") has long been concerned by the increasing use of new surveillance technologies by law enforcement agencies across California without appropriate privacy safeguards. One such technology that raises concerns are "cell site simulators." Also called "IMSI catchers," referring to the International Mobile Subscriber Identity that uniquely identifies each cellular device, or StingRays, after the brand name of one such device sold by the Harris Corporation., Cell site simulators mimic a wireless carrier's antenna and base station.<sup>1</sup> The simulator signals to devices in the area, and wireless devices in the area respond and identify themselves, communicating with the device as if it were a wireless carrier's cell tower. This allows the user to identify the location of all mobile devices in the area, and potentially other information about the device or its communications.

Because of our concerns with the expanding use of Stingrays and other cell site simulators, I am writing to request, pursuant to the California Public Records Act (California Government Code § 6250 et seq.), a copy of the following public records related to the use of cell site simulators that are in possession of your agency:

- (1) All Records related to the number of Cell Site Simulators owned, operated and/or used by the agency, unit, position and/or individuals with access to and/or control over the devices.<sup>2</sup>

<sup>1</sup> For purposes of these requests, the term "Cell Site Simulators" shall be interpreted to include "IMSI catchers", or other technologies designed to imitate the cellular towers or base stations of wireless carriers and receive signals (including IMSI information) emitted from wireless cellular telephones, including but not limited to the Gossamer, Triggerfish, Hailstorm, Kingfish, Amberjack, or Digital Analyzer.

<sup>2</sup> The term "Records," for purposes of these requests, is defined to include "writing" as that term is defined by Govt. Code § 6252(g), as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation,

- (2) All Records related to the technical specifications of any Cell Site Simulators owned, operated, used or sought by the agency.
- (3) All Records related to the policies, practices, customs, or training on the use of Cell Site Simulators, including but not limited to any policies, practices, customs, or training on when and how to seek a warrant to use the devices or whether there are any locations on where Cell Site Simulators can be used.
- (4) All Records related to, referring to, or mentioning the number of times agency employees have used Cell Site Simulators from January 1, 2008 through present, as well as the number of those instances agency employees obtained a warrant to use the device.
- (5) All Records relating or referring to any applications for grants or other funding seeking to pay, in part or in whole, for Cell Site Simulators to be operated or used by the agency from January 1, 2008 through present.
- (6) All Records relating or referring to what information and data agency officials collect through the use of Cell Site Simulators (such as IMSI numbers, names, PEN registers, text or audio communications).
- (7) All Records relating or referring to any policies, practices, protocols or training relating to the handling of data obtained by Cell Site Simulators, including but not limited to access restrictions on such data, security of such data, limitations on sharing data with other entities, and oversight and auditing practices to ensure any restrictions on use or access are followed.
- (8) All Records reflecting standard language, form(s) or template(s) utilized by the agency for requesting a warrant or other court order, including subpoenas, authorizing use of the StingRay device or other cell site simulator technologies or technologies to detect radio signals emitted from wireless cellular telephones from January 1, 2008 through present.
- (9) Unsealed warrants or court orders reflecting the use of the StingRay device or other cell site simulator devices or technologies to detect radio signals emitted from wireless cellular telephones from January 1, 2008 through present.
- (10) The number of times each year that data gathered through use of the StingRay or other cell site simulator devices or technologies was used in the investigation of any crime, including the role, if any, it played in identifying, arresting and/or convicting suspects from January 1, 2008 through present.

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including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored," and includes but is not limited to emails, notes, presentations, manuals, proposals, policies, maps, training materials, powerpoints, handouts, computer files, memos, drafts or other documents.

- (11) Which departments, units, assignments individuals currently have access to the data gathered by cell site simulator devices or technologies to detect radio signals emitted from wireless cellular telephones and for what purposes.
- (12) All Records, including but not limited to emails, notes, presentations, manuals, proposals, policies, maps, computer files, or other documents, related to cell site simulators owned, operated and/or used by the agency or its employees, not responsive to one of the other requests in this letter.

These requests are made pursuant to the California Public Records Act ("CPRA"), California Government Code § 6250 *et seq.* The CPRA requires responding agencies to provide a response within ten (10) days of receipt of a request. *See* Gov. Code § 6256.

In enacting the PRA, the Legislature recognized that "a requester, having no access to agency files, may be unable to precisely identify the documents sought. Thus, writings may be described by their content. . . . An agency is thus obliged to search for records based on criteria set forth in the search request." *California First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159, 165-66 (1998); *see also* § 6253(b). The PRA also requires the government to "assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records" by taking steps to "[a]ssist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated. § 6253.1(a). An agency that receives a request must also "[p]rovide suggestions for overcoming any practical basis for denying access to the records or information sought." *Id.*

If any records are claimed to be exempt from disclosure, I request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest, consistent with California Government Code § 6253(a). Additionally, if any records are withheld or redacted, please provide a written response that describes with specificity each and every record that is being withheld or redacted and the claimed reason for exemption under the California Public Records Act, along with supporting legal authority or authorities.

I request that you waive any copying fees because the ACLU of Southern California is a non-profit civil rights organization. *See North County Parents Organization v. Department of Education*, 23 Cal. App. 4th 144 (1994). No part of the information obtained will be sold or distributed for profit. If you do not agree to waive the copying fees, please inform me of any potential duplication costs exceeding \$50.00 prior to copying.

I also request that you provide any public record identified above that exists in the following electronic formats to me in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, and PowerPoint. *See* California Government Code § 6253.9.

I look forward to working with you to obtain the public records we have requested and look forward to your response to this request within ten days of receipt of this letter. *See* California Government Code § 6253(c). Please send all public records responsive to this request to my attention, either by mail or email.

2007-07-17

If you have any questions about this request, please do not hesitate to contact me at (213) 977-5295 or my legal assistant, Geneva Tien, at (213) 977-5279.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bibring", with a stylized flourish at the end.

Peter Bibring  
Staff Attorney  
ACLU of Southern California  
1313 West 8th Street  
Los Angeles, CA 90017  
pbibring@aclusocal.org

06/21/2011

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# EXHIBIT X

0642142014

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**From:** DISCOVERY DISCOVERY <DISCOVERY@lapd.lacity.org>  
**Sent:** Tuesday, October 14, 2014 4:43 PM  
**To:** Jessica Price  
**Subject:** RE: July 29, 2014, Public Records Act Request re: Cell Site Simulators

## Confirmation receipt

>>> Jessica Price <JPrice@ACLU.SOCAL.ORG> 10/13/2014 2:39 PM >>>  
Can I please receive confirmation that this email has been received?

**From:** Jessica Price  
**Sent:** Friday, October 10, 2014 2:47 PM  
**To:** 'discovery@lapd.lacity.org'  
**Subject:** July 29, 2014, Public Records Act Request re: Cell Site Simulators

Per my call today, attached please find the July 29, 2014, Public Records Act request concerning Cell Site Simulators, and the September 29, 2014, follow up letter that we sent to your agency. Thank you.

---  
**Jessica Price, Staff Attorney**  
**ACLU of Southern California**  
**1313 W 8th Street, Suite 200 | Los Angeles, CA 90017-4441**  
**(o) (213) 977-9500 x233**

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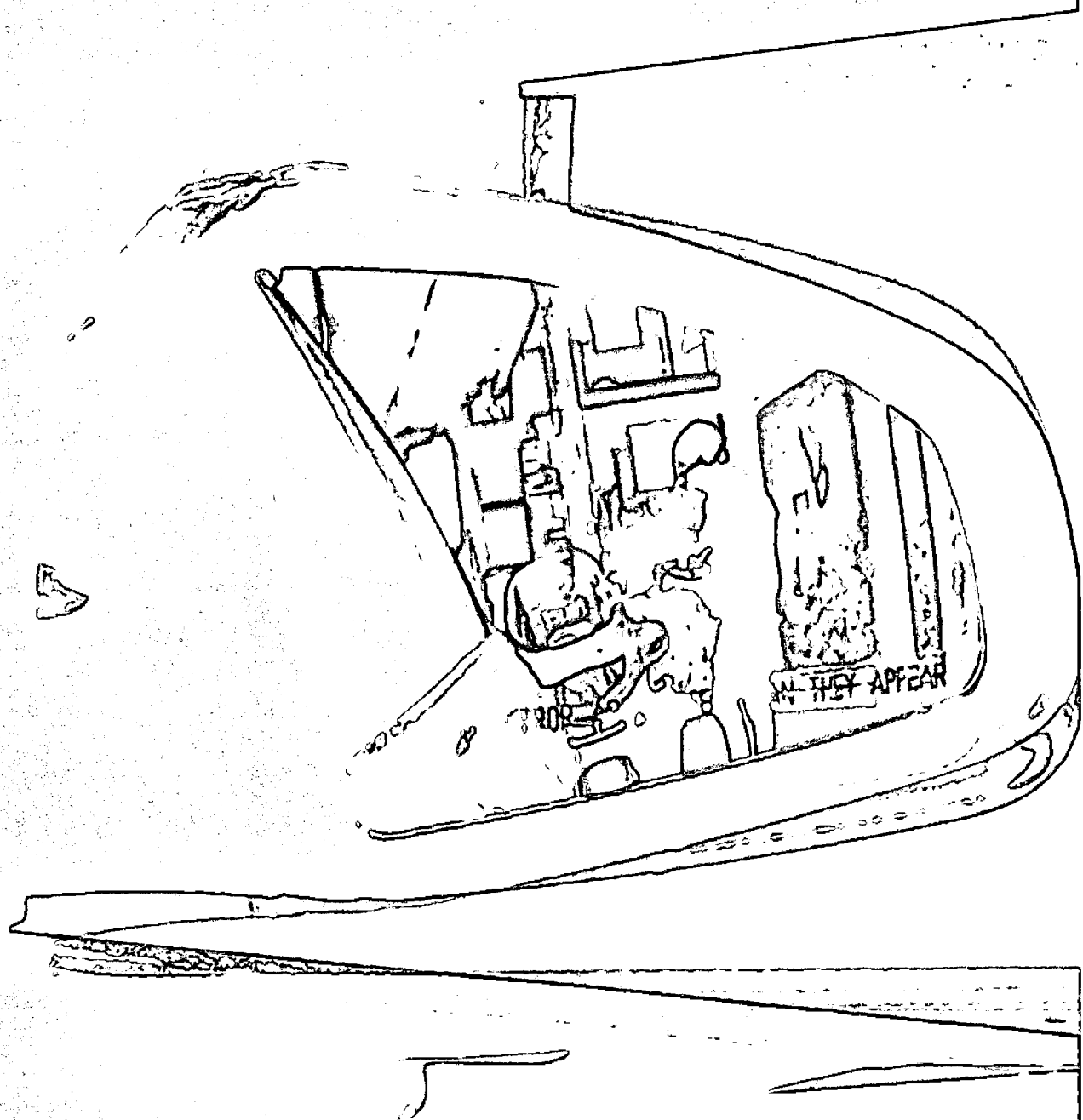
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08/21/2011

# EXHIBIT Y

9642112016



# A STUDY OF RACIALLY DISPARATE OUTCOMES IN THE LOS ANGELES POLICE DEPARTMENT

Produced by the **ACLU** of Southern California | December 2008

**IAN AYRES**

**WILLIAM K. TOWNSEND PROFESSOR  
YALE LAW SCHOOL**

**AND JONATHAN BOROWSKY**

# A Study of Racially Disparate Outcomes in the Los Angeles Police Department

Ian Ayres\* and Jonathan Borowsky\*\*

Prepared for ACLU of Southern California

October 2008

\*William K. Townsend Professor, Yale Law School. [ian.ayres@yale.edu](mailto:ian.ayres@yale.edu).

\*\*Research Assistant, Yale Law School, 2007-08; Harvard Law School J.D. student, class of 2011. The data and STATA files underlying this report can be downloaded at [www.yale.edu/ayres/](http://www.yale.edu/ayres/)

**Abstract:** This report analyzes pedestrian and motor vehicle stops of the Los Angeles Police Department over a one-year period: July 2003 to June 2004. We find prima facie evidence that African Americans and Hispanics are over-stopped, over-frisked, over-searched, and over-arrested. After controlling for violent and property crime rates in specific LAPD reporting districts, as well as a range of other variables, we find that:

Per 10,000 residents, the black stop rate is 3,400 stops higher than the white stop rate, and the Hispanic stop rate is almost 360 stops higher.

Relative to stopped whites, stopped blacks are 127% more likely and stopped Hispanics are 43% more likely to be frisked.

Relative to stopped whites, stopped blacks are 76% more likely and stopped Hispanics are 16% more likely to be searched.

Relative to stopped whites, stopped blacks are 29% more likely and stopped Hispanics are 32% more likely to be arrested.

All of these disparities are statistically significant ( $p < .01$ ). The findings of racial disparity are supported by ancillary analyses of investigative outcomes and officer race. We find that frisks and searches are systematically less productive when conducted on blacks and Hispanics than when conducted on whites:

Frisked African Americans are 42.3% less likely to be found with a weapon than frisked whites and that frisked Hispanics are 31.8% less likely to have a weapon than frisked non-Hispanic whites.

Consensual searches of blacks are 37.0% less likely to uncover weapons, 23.7% less likely to uncover drugs and 25.4% less likely to uncover anything else.

Consensual searches of Hispanics similarly are 32.8% less likely to uncover weapons, 34.3% less likely to uncover drugs and 12.3% less likely to uncover anything else.

It is implausible that higher frisk and search rates are justified by higher minority criminality, when these frisks and searches are substantially less likely to uncover weapons, drugs or other types of contraband. We also find that the black arrest disparity was 9 percentage points lower when the stopping officer was black than when the stopping officer was not black. Similarly, the Hispanic arrest disparity was 7 percentage points lower when the stopping officer was Hispanic than when the stopping officer was a non-Hispanic white. Taken as a whole, these results justify further investigation and corrective action.

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## I. Introduction

In July 2006, the Analysis Group released a report, "Pedestrian and Motor Vehicle Post-Stop Data Analysis Report" (hereafter "Analysis Report") that they had prepared for the City of Los Angeles.<sup>1</sup> This report analyzed more than 810,000 "field data reports" (FDRs) collected by the Los Angeles Police Department (LAPD) from July 1, 2003 through June 30, 2004.<sup>2</sup> FDRs are completed by LAPD officers at the time of a stop and must be completed whenever an officer stops a vehicle or pedestrian, with a small number of exemptions.<sup>3</sup> They record information on a number of outcomes—including: i) whether a pat-down, frisk or search was conducted; ii) whether contraband was uncovered; and iii) whether an arrest was made or a citation was issued.

The Analysis Report's authors tested whether minorities who were stopped were more likely than whites to be frisked, searched, cited or arrested. The Analysis Report concluded:

Although some divisions/bureaus have statistically significant racial disparities for some outcomes and some races, when evaluated across all outcomes, *there is no consistent pattern of race effects across divisions or races.*<sup>4</sup>

The report was limited to what it called "Post-Stop" analysis in that it did not investigate whether minorities were disproportionately subjected to being stopped. Instead, the Analysis Report asked whether—contingent on a stop having occurred—minorities were more likely than whites to be subject to certain outcomes.

The ACLU of Southern California provided us with the data used in the Analysis Report and asked us to assess its validity.<sup>5</sup> In this report, we undertake to answer three central questions:

1. Are African Americans and Hispanics more likely than whites to be stopped?
2. Are African Americans and Hispanics who are stopped more likely than whites to be frisked, searched, cited or arrested?

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<sup>1</sup> A copy of the Analysis Report is available online. ANALYSIS GROUP, INC., PEDESTRIAN AND MOTOR VEHICLE POST-STOP DATA ANALYSIS REPORT (2006), [http://www.analysisgroup.com/AnalysisGroup/uploadedFiles/Publishing/Articles/LAPD\\_Data\\_Analysis\\_Report\\_07-5-06.pdf](http://www.analysisgroup.com/AnalysisGroup/uploadedFiles/Publishing/Articles/LAPD_Data_Analysis_Report_07-5-06.pdf) (hereafter ANALYSIS REPORT).

<sup>2</sup> In 2001, the city of Los Angeles entered into a consent decree with the U.S. Department of Justice, under which the LAPD "embarked upon a project of systematically collecting data on pedestrian and motor vehicle stops in order to . . . [review] concerns and perceptions about potential racial profiling." *Id.* at 6.

<sup>3</sup> The exemptions include stops at checkpoints/roadblocks, commercial vehicle safety inspections, stops pursuant to an arrest or search warrant, stops of victims/witnesses, and stops involving calls for service relating to certain particularly dangerous crimes and situations.

<sup>4</sup> *Id.* at 4.

<sup>5</sup> The ACLU obtained the data through public records requests. The data was provided in SAS format but did not include any files containing the specific SAS commands or output files. The Analysis Group declined to provide these files. The data and statistical input and output files underlying this report can be found at <http://www.yale.edu/ayres/>.

3. Are African Americans and Hispanics who are searched more likely than whites to be found with contraband?

The three sections of this Report correspond to these questions.

In asking these questions, we seek to broaden the temporal range of the Analysis Report. We test for racial disparities at an earlier stage in the process. Instead of taking the stopping behavior of the LAPD as given, we ask whether, controlling for crime rates in particular areas, African Americans and Hispanics were more likely than whites to be stopped. We also test for racial disparities at a later stage in the process by analyzing whether frisks or searches conducted by the LAPD uncovered contraband, such as drugs or weapons. Evidence that searches of minorities were systematically less productive than searches of whites would suggest that police required less probable cause in searching minorities and subjected minorities to needless searches.<sup>6</sup>

#### A. Shortcomings of the Analysis Report

The data to conduct the broader analyses we undertake were available in the original dataset used to produce the Analysis Report. The Analysis Group's proposed methodology suggested that it was their intent to conduct some analogous tests.<sup>7</sup> But the final Analysis Report artificially restricted their attention to a limited set of racial disparities. In particular, they ignored tests of whether, controlling for crime rates, minorities were disproportionately subject to being stopped.

The approach of the Analysis Group in testing for racial disparities in "post-stop" outcomes is subject to four core criticisms:

1. **The Analysis Report failed to test whether, controlling for other factors, there was a statistically significant overall racial disparity across the LAPD as a whole.** Instead, the Report tested to see whether there were racial disparities within individual divisions. The Analysis Report found that there was not a consistent, statistically significant disparity disfavoring African Americans and Hispanics across different divisions. But the failure to find statistically significant outcomes in some divisions does not mean that there is not a statistically significant racial effect overall. Failing to test for an aggregate racial effect robs the test of statistical power, because it effectively reduces the sample size of the individual tests. There are eighteen divisions within the sample, and analyzing only the individual divisions rather than the whole thus reduces the sample approximately by a factor of eighteen. Using the same specification as the Analysis Report and controlling for the same variables, we show that, citywide,

<sup>6</sup> See IAN AYRES, *PERVASIVE PREJUDICE?: NON-TRADITIONAL EVIDENCE OF RACE AND GENDER DISCRIMINATION* (2001).

<sup>7</sup> See ANALYSIS GROUP, INC., *FINAL PEDESTRIAN AND MOTOR VEHICLE STOP DATA ANALYSES METHODOLOGY REPORT* (2005), [http://www.lacity.org/cia/lapdstopreports/clalapdstopreports222134175\\_12082005.pdf](http://www.lacity.org/cia/lapdstopreports/clalapdstopreports222134175_12082005.pdf).

stopped African Americans and Hispanics were more likely to be arrested than stopped whites and that this disparity was statistically significant.

2. **The Analysis Group inappropriately limited their analysis to an unduly cramped definition of “racially biased policing.”** The Report says that the Analysis Group was engaged “to determine whether [the data] provide evidence of racially biased policing” and a footnote explained that the “phrases *racial profiling by law enforcement* and *racially biased policing* are used interchangeably in this report.”<sup>8</sup> On its face, it is not clear whether the Analysis Report was attempting to test for race-contingent decisions by police (what the law refers to as “disparate racial treatment”) or whether the Report was attempting to test whether police policies produced unjustified disparate impacts. The term “racial profiling” usually denotes disparate racial treatment by police. But the term “racially biased policing” might denote policing policies that impose an unjustified burden on racial minorities—and hence resonate more with a “disparate impact” standard. The Analysis Report testing strategy inappropriately restricts its attention to the unduly narrow disparate treatment standard. For example, the Report’s logistic regressions control for a host of officer characteristics—including the number of complaints that have been levied at the stopping officer. Controlling for officer complaints might make sense in a test of disparate racial treatment *by the officer*, because it would be appropriate to control for all non-race factors that might provide alternative (non-pretextual) explanations for a racial disparity in outcomes. But it would be inappropriate to control for officer complaints in a test of disparate racial impacts. Including controls for officer complaints might easily cause a regression to understate the true size of the unjustified racial impact. A policy of assigning officers with multiple complaints to predominantly-minority areas might produce an unjustified impact against minorities who are stopped. Including a control for officer complaints might inappropriately soak up some of the real racial disparity in the data.

3. **The Analysis Report limits its attention to analyzing police behaviors that are conditional on stopping.** By focusing only on behaviors that occur after an officer makes a stop, it inappropriately ignores the causally prior question of whether there were unjustified racial disparities in who police decide to stop in the first place.

4. **The Analysis Report failed to examine the outcome of searches and frisks.** It inappropriately ignores the whether the success rate of searches and frisks could provide evidence of whether in aggregate searching and frisk decisions were justified.

In our analysis, we address these shortcomings. Like the Analysis Report, our specification allows there to be division-specific racial disparities. But we then separately test whether across divisions there is a statistically significant department-wide disparity

<sup>8</sup> ANALYSIS REPORT, *supra* note 1, at 3, 6 n.3.

disfavoring African Americans and Hispanics. Second, we avoid the problem of "included variable bias" by excluding variables such as officer complaints that do not offer a legitimate justification for explaining away disparate racial impacts. We show how excluding such inappropriate controls impacts the estimate of overall racial disparities. Finally, we avoid the third and fourth problems of only considering police behaviors that are conditional on stopping by widening the temporal frame to analyze stopping decisions and search outcome decisions.<sup>9</sup>

The Analysis Report points out that while the data contained in the FDRs provides a wealth of information about police practices, it does not contain direct evidence on "the rates at which different racial groups commit crimes."<sup>10</sup> These, and other, missing variables are said to limit the ability of regressions to produce iron-clad evidence of disparate treatment. A racial group might be exposed to more stops, searches, citations and arrests because members of the group disproportionately commit crimes. We note, however, that using an individual's race as a direct proxy for that individual's criminality is legally problematic under current prohibitions against racial profiling. The more direct missing data is not "the rates at which different racial groups commit crimes" but the rate at which individual suspects commit crimes (or display evidence of probable cause). Later in our analysis we will make use of indirect evidence in the data of the rate at which stopped individuals commit crimes, in that we have evidence of the rate at which contraband is actually found for individuals of different races frisked and searched by the LAPD. Our finding that the police have a lower likelihood of finding contraband when they search minorities than non-minorities is inconsistent with the thought that the searches and frisks are justified by higher minority criminality.

The Analysis Report catalogs a variety of other "omitted variables" that may be determinants of police behavior but which were not controlled for in the analysis:

suspect attitude or demeanor;  
for motor vehicle suspects, vehicle condition . . . ;  
differences in driving behavior;  
the presence of bystanders; and

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<sup>9</sup> In the post-stop and post-search regression portions of our analysis we exclude all stops by gang task-force officers. The Analysis Report separated out stops by gang officers because gang officers follow substantially different policing tactics. We chose to preserve this separation and furthermore not to reanalyze the stops by gang officers for three reasons. First, the Analysis treatment of gang officers was not as strongly subject to the aggregation criticism because gang officers were subdivided only into four areas rather than eighteen divisions in the Analysis Report. Second, issues of racial profiling are more complicated, both legally and logically, when dealing with gangs that may explicitly identify with particular racial groups. Third, the gang subsample was relatively very small, comprising less than 50,000 Field Data Reports. For these reasons, we decided to focus on the non-gang officer sample. We do not exclude stops by gang officers in the stop likelihood or stop-rate proportions of the analysis because of omitted problems created by excluding a particular subclass of stops when stops are the dependent variable of analysis.

<sup>10</sup> *Id.* at 18.

when there was a victim, whether the victim wanted the police to make an arrest.<sup>11</sup>

Some of these omitted variables also create the possibility of alternative, legitimate explanations for estimated racial disparities. For example, a racial group might be disproportionately searched if members of that group were "disproportionately antagonistic or disrespectful toward police." But some of these omitted variables do not raise as compelling an alternative, legitimate explanation for racial disparities. For example, imagine that victims disproportionately want the police to make an arrest when the perpetrator is of a particular race. A policy of the police to defer to victim arrest requests would provide an alternative explanation to the claim that the police are engaging in race-contingent behavior. But the police policy of delegating the arrest decision to self-reported victims might still have an illegitimate disparate impact against suspects of the disfavored racial group.

This report, in addition to correcting some of the failings of the original Analysis Report, will also use indirect benchmarks to assess whether African Americans and Hispanics are subjected to illegitimate police action. Holding the violent and property crime rates constant, we will test whether the likelihood of being stopped is higher in minority neighborhoods. Using officer race as a benchmark, we will test whether minority officers treat stopped suspects less harshly than non-minority officers that stopped suspects. And using the success rates on frisks and searches as a benchmark, we will test whether minorities have to endure systematically less productive incursions into their privacy.

## **B. Summary of Findings**

Our main conclusions are the following:

### **Disparities in Stops**

1. African Americans were much more likely to be stopped than non-minorities. In the single-year of data, there were more than 4,500 stops for every 10,000 African Americans residents but only 1,750 stops for every 10,000 non-minority residents. In two divisions (Central and Hollywood), there were more stops of African Americans in one year than there were African American residents, meaning that the average number of stops per resident was greater than one.<sup>12</sup> See Table 1.
2. This marked racial disparity in the likelihood of being stopped is not merely an artifact of different area crime rates. In regressions controlling for both violent and property crime rates in more than 900 Reporting Districts (RDs), the stop rate per 10,000 residents was more than 3,400

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<sup>11</sup> *Id.*

<sup>12</sup> In one division (Central), there were more stops of Hispanics in one year than there were Hispanic residents.

stops higher for African Americans and more than 350 stops higher for Hispanics than for non-minorities. See Table 4.

3. This disparity in the likelihood of being stopped is not driven by a policy of assigning more police to minority neighborhoods. Indeed, the racial disparity in stop rates was higher in non-minority neighborhoods than in minority neighborhoods. For example, regressions, controlling for the crime rate, estimated that the stop rate disparity for African Americans was 3,400 stops higher in RDs where blacks and Hispanics were less than one-third of the residents relative to RDs where blacks and Hispanics were more than two-thirds of the residents. See Figure 1.

**Disparities in Rates of Arrests, Frisks, Searches, and Requests to Exit Vehicle**

4. African Americans and Hispanics were not only more likely to be stopped by the police, but they were also more likely to be arrested when stopped. Conditional on being stopped, regressions controlling for a host of other variables showed that city-wide, stopped African Americans were 29% more likely than stopped whites to be arrested and that stopped Hispanics were 32% more likely than stopped whites to be arrested. These results were statistically significant and robust to a variety of different specifications. Indeed, reanalyzing the specification used in the Analysis Report itself shows city-wide that stopped African Americans were 21% more likely and stopped Hispanics were 29% more likely to be arrested than stopped whites. See Table 8.
5. The racial disparities in arrests persist if we exclude less discretionary arrests (concerning arrests for outstanding warrants, violent crimes and DUIs). With regard to more discretionary arrests, stopped African Americans were 13% more likely to be arrested and stopped Hispanics were 21.4% more likely to be arrested than stopped whites. See Table 17.
6. Even larger racial disparities were estimated with regard to police investigative techniques.
  - a. Stopped African Americans were 166% more likely and Hispanics were 132% more likely to be asked to exit vehicles than stopped whites. See Table 20.
  - b. Stopped African Americans were 127% more likely and Hispanics were 43% more likely to be frisked or patted down than stopped whites. See Table 13.
  - c. Stopped African Americans were 76% more likely and stopped Hispanics were more than 16% more likely to be asked to consent to being searched than stopped whites. See Table 14.

These statistically significant racial disparities persisted when the data was restricted to stops where police action was more discretionary—for

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example, by excluding stops with violent felony arrests where police had less discretion in deciding whether to search.

7. If we restrict attention to people who were stopped, Hispanics were cited more often than whites—but the size of the citation disparity was less than 7% and was not robustly significant across alternative specifications. Stopped African Americans were more than 30% *less* likely to be cited than stopped whites. This disparity favoring stopped African Americans was statistically significant. While the conditional probability of being cited favored stopped African Americans relative to stopped whites, African Americans were so much more likely to be stopped that the unconditional probability that African Americans would be cited was substantially higher. Indeed, we find that the citations per 10,000 residents were 1,300 citations higher for African American residents and 140 citations higher for Hispanic residents than for white residents. See Tables 6 and 9.

**New Benchmarks: Search Productivity and “Same Race” Stops**

8. All in all, the stops of African Americans were systematically less productive than the stops of whites. Stopped African Americans were 21% more likely to be stopped without being either cited or arrested. This “no-action” finding, together with the substantially higher stop likelihood of African Americans, suggests that police required less justification to stop African Americans than to stop whites. Table 10.
9. There is some evidence that stops by minority officers produced smaller racial disparities than stops by non-minority officers. The disparities for stopped African Americans were often smaller when the stops were conducted by African American officers. For example, the racial disparity in arrests disfavoring stopped African Americans fell from 27% with regard to non-minority officers to 18% when an African American was the stopping officer. And African American officers were nearly 20% less likely than non-minority officers to force African Americans to participate in a “no action” stop. These officer race disparities were statistically significant. The relatively better treatment that stopped African Americans experienced when stopped by African American officers versus non-minority officers raises concerns of racially biased policing. See Tables 11 and 12.
10. Finally, searches and frisks conducted upon stopped African Americans and Hispanics were systematically less productive in producing weapons, drugs or other contraband than those conducted upon whites:
  - a. Searched African Americans were 37% less likely than searched whites to be found with weapons, 24% less likely to be found with

drugs, and 25% less likely to be found with other contraband. See Tables 26 through 28.

- b. Searched Hispanics were 33% less likely than searched whites to be found with weapons, 34% less likely to be found with drugs, and 12% less likely to be found with other contraband. See Tables 26 through 28.
- c. Frisked African Americans were 42% less likely than frisked whites to be found with weapons, 25% less likely to be found with drugs, and 33% less likely to be found with other contraband. See Tables 23 through 24.
- d. Frisked Hispanics were 32% less likely than frisked whites to be found with weapons, 38% less likely to be found with drugs, and 15% less likely to be found with other contraband. See Tables 23 through 24.

These statistically significant racial disparities persisted when the data was restricted by excluding stops where police had less discretion in search. See Table 10.

These latter results suggest that African Americans and Hispanics are over-frisked and over-searched relative to whites. Once stopped, these minorities are: i) frisked and searched substantially more often than stopped whites; *and* ii) these actions have a substantially lower probability of uncovering weapons, guns or other contraband.

There is also some evidence that African Americans and Hispanics are over-stopped (although this result may be susceptible to alternative interpretations, given the absence of direct evidence on race-specific criminality). These minority groups are: i) disproportionately likely to be stopped; and ii) disproportionately likely to have the stop result in "no action."

A core question is whether the high propensity of stopped African Americans and Hispanics to be arrested is driven by higher probability of crime. In this regard, it is troubling that the racial disparities in arrest observed for stopped African Americans tend to be lower when the stopping officer is African American than when the stopping officer is not a minority.

## **II. Stop Likelihood Regressions**

### **A. Methodology**

To assess the prevalence of stopping in different geographic areas, we first calculated the number of stops in 942 reporting districts (RDs) by three racial categories (African American, Hispanic, and white/other). We estimated the population in each of these reporting districts on the basis of U.S. Census population density and race composition statistics assigned to the reporting districts by the Analysis Report. This

assignment was itself based on a map supplied by the LAPD to the report's preparers. We then estimated stop rates, citation rates and arrest rates for each racial category.<sup>13</sup>

Our estimated stop, citation and arrest rates for each racial category are summarized in Tables 1 through 3. For each LAPD division, the race-specific rate is the average of the race-specific rate in each component Reporting District, weighted by the population of that race residing in the component Reporting District.

## B. Results

Table 1 shows the results of our analysis with regard to stops. We can see that, for the city as a whole, in 2003-2004 there 4,569 stops per 10,000 African American residents, while there were only 1,750 stops per 10,000 residents for Whites/Other. Table 1 shows that in two divisions (Central and Hollywood) the rate of stops exceeded 10,000 per 10,000 residents. In the Central division there were more than 21,000 stops for every 10,000 residents. These results make clear that the descriptive statistics included in Table 1 are not stop likelihoods but rather the average number of stops per resident. Residents can be stopped more than once and non-residents who travel into a division can also be stopped.

Tables 2 and 3 report analogous descriptive statistics regarding arrests and citations per 10,000 residents. In contrast to the Analysis report, which analyzes only the likelihood of being arrested or cited conditional on being stopped, these tables describe the number of arrests and citations conditional on merely residing in Los Angeles. We must, however, again keep in mind the possibility that non-residents can be arrested or stopped, and the possibility that individuals can be arrested or cited multiple times in the course of a year.

Table 2 shows that overall the arrest and citations rates were much higher for African Americans than for Whites/Other. Per 10,000 residents, the citywide arrest rate for African Americans was 844, while it was only 159 for Whites/Other (and 277 for Hispanics). Table 3 shows that per 10,000 residents, the citation rate for African Americans was 2,251, while it was 1,358 for Whites/Other (and 1,103 for Hispanics).

<sup>13</sup> We did this by counting the number of FDRs describing the relevant class of stop in each RD, and dividing this by the estimated race population in the RD. We defined the White/Other population category in the census data to be the total population, minus the population of blacks and Hispanics.

In the FDRs, "Hispanic" is a racial category exclusive with any other. Officers are instructed to assign a race to each individual based on their impression at the time they made the stop. In the census, on the other hand, race is a self-reported category, and "Hispanic" status is a separate category. It is thus possible to be white and Hispanic or black and Hispanic in the census statistics, but not on an FDR. This disjoint has the potential to bias our stop, citation, and arrest rate metrics. To the extent that there are individuals who report themselves white and Hispanic to the census but are just "white" to the LAPD, the stop and other action rates for Hispanics will be biased downwards (appear lower than they actually are), and the stop and other action rates for whites will be biased upwards (appear higher than they actually are). To the extent that there are individuals who report themselves as both black and Hispanic to the census, the population estimates for whites will be biased downwards, thus the stop and other action rates for whites will be biased upwards (appear higher than they actually are). Since the direction of the bias will tend to conceal evidence of racial disparities, we do not believe it throws doubt on our findings.

The descriptive statistics in these tables, however, do not control for the underlying characteristics of the areas where the police behavior occurs. One concern is that the racial disparities might be driven by differences in the underlying crime rate in the RD where the stops occur. For example, if police stop more people in high crime areas and African Americans tend to live in high crime areas, then the racial disparities uncovered in Tables 1 to 3 might be justified.

To explore this possibility, Table 4 reports the results of regressing the stop rate for particular RDs and races on various RD characteristics. The regressions indicate that even after controlling for violent crime rate and property crime rate in the RD, that the stop rate per 10,000 residents for African Americans was 3,400 stops higher than the rate for Whites/Other. The rate for Hispanics is 350 stops higher than the rate for Whites/Other. Indeed, the right-hand column of Table 4 shows that these racial disparities persist even if one controls not only for the crime rates but for 10 other variables concerning the economic and demographic characteristics of the specific RD. What these regressions cannot control for, however, are race-specific rates of crime. Police might be justified in stopping a higher proportion of African Americans in a particular RD if a higher proportion of crimes in that RD were committed by African Americans. But the regressions in Table 4 are sufficient to show that the racial disparities of Table 1 are not merely a by-product of African Americans and Hispanics living in high-crime neighborhoods. Even after controlling for the crime rates, we find large and statistically significant disparities in the stop rate.<sup>14</sup>

Tables 5 and 6 report the results of parallel regressions concerning the arrest and citation rates per 10,000 residents. Again we see large and statistically significant elevations in the rates for African Americans relative to Whites/Other. Per 10,000 residents, African Americans had 866 more arrests and 1,306 more citations than Whites/Other. Per 10,000 residents, Hispanics had 160 more arrests and 140 more citations than Whites/Other (although the citation result was not statistically significant).

Table 7 provides descriptive statistics of race-specific stop rates for various ranges of the violent crime rate and for various percentage ranges of the minority population. Even after controlling for the violent crime rate, the stop rates of African Americans tend to be higher in non-minority neighborhoods than in minority neighborhoods. For example, looking at the rows relating to violent crime rates between 101 and 200 per 10,000 residents, we see that the black stop rate in RDs with less than 10% black and Hispanic residents was more than 12,000 per 10,000 residents, while the stop rate per 10,000 black residents in RDs that were more than 90% minority was only 3,314. In contrast, these same rows show that the stop rate per 10,000 white/other residents rises from 1,658 when minorities are less than 10% of the population to 1,946 when minorities are more than 90% of the population. Holding violent crime constant,

<sup>14</sup> The statistical significant is indicated in the tables as a t-statistic. In a regression analysis, the t-statistic measures the number of standard deviations that an estimated coefficient is from zero. A t-statistic with an absolute value greater than approximately two indicates statistical significance (at the 5% level), and a higher t-statistic indicates greater significance.

there is a tendency for African Americans and Hispanics to have higher stop rates when they are a local minority compared to the stop rate when they are a local majority.

The results in Table 7 are consistent with the regression results reported in Figure 1. After controlling for a variety of RD-specific variables—including the violent and property crime rates, the unemployment and poverty rates, and the percent of the population under 24—the Figure shows that the black/white disparity is substantially higher in RDs where minorities are less than one-third of the resident population than in RDs where minorities are more than two-thirds of the resident population. The declining slopes related to both African American and Hispanic disparities are statistically significant.

Table 7 and Figure 1 make clear that the disproportionately high rate of stops for African Americans and Hispanics is not simply a product of their disproportionately living in areas with higher levels of crime. The results of this section raise serious concerns about racial disparities in police stopping. After controlling for local violent and property crime rates, police systematically stop African Americans and Hispanics more than non-minorities.

### III. Post-Stop Regressions

#### A. Methodology

This section analyzes what happens after a police stop. In particular, we explore the likelihood that police will frisk, search, cite or arrest people that they stop. The analysis of this section most closely parallels the approach of the Analysis Report. Like that report, we will present estimates of whether there are racial disparities in various outcomes after controlling for a host of variables—including the division where the stop occurred, the property and violent crime rates of the location in which the stop occurred, the reason for the stop, demographic characteristics of the RD, and demographic characteristics of the people being stopped.

Tables 8 through 20 report the core measures of racial disparities for all the post-stop outcomes based on 34 regressions. The underlying regressions can be found in Appendix Tables 2 through 35.

Because the Analysis Report and this report come to such different conclusions on the question of racial disparities using the same data set, it is appropriate to comment about two core differences in methodology.

1. The Analysis Report inappropriately failed to assess whether there were statistically significant racial disparities for the city as a whole; and,
2. The Analysis Report inappropriately included officer characteristics in their regressions.<sup>15</sup>

<sup>15</sup> The Analysis Report and the analysis in this report also differed on two technical issues of regression specification. First, the Analysis Report employed a hierarchical linear model, which controlled for the fact

**No Aggregate Disparity Estimate.** The first problem is that the Analysis Report only includes tests of racial disparity at the division level, but never steps back and assesses whether there were statistically significant disparities for the city as a whole. As mentioned above, the Analysis Report concluded:

Although some divisions/bureaus have statistically significant racial disparities for some outcomes and some races, when evaluated across all outcomes, *there is no consistent pattern of race effects across divisions or races.*<sup>16</sup>

The Report's approach implies that it would not be problematic if the police only engaged in racial profiling in certain divisions. The implicit idea seems to be that a department engaged in racially biased policing should produce a consistent pattern of racial disparities across all divisions (and possibly across all races). But policy makers could be concerned about unjustified racial disparities that only occur in a subset of divisions. Even the possibility that some divisions would show an estimated racial disparity disfavoring whites relative to blacks or Hispanics should not absolve the police force from a finding that there were unjustified disparities disfavoring minorities in other divisions.

An important problem with the division-specific estimates is their simple numerosity. The Analysis Report estimates so many different racial disparities with respect to each post-stop outcome that it reduces the power of any individual test.

In the extreme, a "divide and conquer" approach to estimation assures estimates that would vary substantially in the degree and significance of the racial disparity. For example, if the Analysis Report had instead decided to estimate the racial disparity in arrests for each individual city block (or for individual officers), we should not be surprised to find very few blocks (or very few individual officers) with statistically significant disparities for the simple reason that there would not be a sufficient number of stops for each test. This is the same reason that it is hard to tell if dice are loaded if you just roll them a few times. Indeed, as a matter of chance, we should expect to see some divisions estimated to have a statistically significant disparity favoring whites—even if there is in fact no racial disparity.

The problem here is not that the Analysis Report chose to estimate division-specific racial disparities. The problem is that it did not estimate the aggregate impact of these disparities for the city as a whole. It is possible to literally add up the individual

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that stops are ordered hierarchically among certain officers who stop suspects in certain RDs that are located in certain Divisions. In contrast, we employed a logistic regression with division-fixed effects, and in some specifications RD or even officer-fixed effects. Second, the Analysis Report employed a step-wise regression approach, which systematically dropped non-race control variables if those variables were initially estimated not to be statistically significant. In contrast, and to avoid issues of pre-testing bias, we retained the full set of right-hand side variables, even if the variables were not statistically significant. The two core differences discussed in the text substantially impact the estimates of racial disparities. But the two technical differences discussed in this footnote do not substantially impact either the estimates of racial disparities or their statistical significance.

<sup>16</sup> ANALYSIS REPORT, *supra* note 1, at 4.

division-specific disparities (with appropriate weights for the number of stops occurring in each division) to produce the overall racial disparities for the city as a whole. This reaggregation procedure is well-known in the literature and easy to do with a single command in virtually all statistical packages that produce evidence not only of the aggregate impact but also of whether that aggregate impact is statistically different from zero.<sup>17</sup> The Analysis Report seems to conclude that there is not on net a city-wide problem because some of the division-specific disparities were not statistically significant or suggested that the police slightly favored minorities. But a simple test of aggregation taking into account these individual division effects is the natural way to test whether summing the division effects produces a statistically significant racial disparity that cannot be explained away as a “no consistent pattern.”

***The Problem of “Included Variable” Bias.*** The second core problem with the Analysis Report was the inclusion of control variables that would not plausibly justify a racial disparity in outcomes. As mentioned above, the Analysis Group relied upon an unduly cramped definition of “racially biased policing” in deciding on their list of appropriate control variables. If one was concerned only as to whether individual officers were engaged in a pattern of race-contingent sanctioning, it might be appropriate to include variables controlling for the age of the officer, his assignment, his length of service and the number of complaints or commendations that the stopping officer had received. The possible tendency of officers with a large number of complaints to disproportionately stop Hispanics, and arrest whomever they stopped, would provide an alternative explanation to a theory that the officer or the department itself had a race-contingent policy of disproportionately arresting Hispanics. Including a control for officer complaints would only test to see whether a racial disparity remained *after* controlling for the potential heightened likelihood of high-complaint officers to stop minority suspects. But including a control for officer complaints would be inappropriate if the researcher instead is interested in testing for whether there are unjustified disparate impacts of departmental policing decisions.

This report tries to test whether there are unjustified disparate racial impacts. For such a test, it is only plausible to include control variables that would provide plausible justifications for particular police outcomes. For example, it is appropriate to add controls for the RD crime rate because it might be justified for the police to arrest more people in higher crime areas—even if the addition of crime rate controls lowers the estimated racial disparity. The reduction in disparities might well be appropriate because the goal is only to estimate unjustified racial disparities. But it is our opinion that none of the officer characteristics provide plausible justifications for explaining away racial disparities. For example, the possibility that older officers arrest more African Americans does not provide a plausible justification for explaining away what otherwise would be a larger racial disparity. Accordingly, in some of the post-stop regressions that follow, we exclude controls for the following officer attributes that were inappropriately included in the Analysis Report regressions:

Count of Complaints Against Officer

<sup>17</sup> See, e.g., Ian Ayres & John J. Donohue III, *Shooting Down the More Guns, Less Crime Hypothesis*, 55 STAN. L. REV. 1193 (2003).

Count of Major Commendations Received by Officer  
Officer Age  
Officer Gender  
Officer Race  
Number of Months of Service of Officer  
Number of Months of Service of Officer Squared  
Officer Assignment (Traffic, Patrol, Other)  
Officer Race Interacted with Suspect Race.

Including controls for officer attributes might easily cause a regression to understate the true size of the unjustified racial impact.

The larger problem here is one of “included variable bias.”<sup>18</sup> While statisticians testing for disparate racial treatment are normally worried about “omitted variable” bias, when testing for unjustified disparate impacts, it is often necessary to be more worried about “included variable bias.”<sup>19</sup> Including controls for non-race factors that do not represent legitimate justifications for racial disparities can bias the estimate of whether a decision maker’s policies produced an unjustified disparate impact. The statistician who includes such controls ends up controlling in part for the mechanism of the disparate impact, and thus obscuring the impact itself.

A statistical guide for judges and lawyers emphasizes how mistakenly including irrelevant variables can bias a regression’s estimate of the racial effect:

Lastly, and perhaps most important under the heading of legitimacy, is the problem of tainted independent variables. Suppose a regression analysis includes a variable for education that, in a race case, is a key determinant of salary differences between black and white employees in a clearly different job group. Regression analysis indicates a high t-statistic on education and an insignificant t-statistic on the race coefficient. Given that in almost all groups, white employees have received more formal education than black employees, it would appear that education goes a long way towards explaining salary differences between black and white employees. The burden is on the employer, however, to demonstrate separate from the regression, that education was required and affected performance, and hence directly determined salary. To the extent that education is

<sup>18</sup> Ian Ayres, Three Tests for Measuring Unjustified Disparate Impacts in Organ Transplantation: The Problem of “Included Variable Bias,” 48 *PERSP. BIOLOGY AND MED.* S68 (2005).

<sup>19</sup> The term “included variable bias” is also used in C.C. Clogg & A. Haritou, *The Regression Method of Causal Inference and the Dilemma Confronting this Method*, in *CAUSALITY IN CRISIS* 83, 100-01 (R. McKim & S.P. Turner eds., 1997). They point out that adding variables that are correlated with the error term of the regression can bias the estimate of other coefficients of interest:

[Estimating a model with additional controls can cause] “included variable bias” in spite of the fact that this model may very well lead to reduction in the variance of the prediction. This term is conspicuous by its absence in the literature. But it is just as logical to talk of included variable bias as omitted variable bias once the term “bias” (not variance) is recognized for what it is . . . . In our judgment, social researchers using the RMCI [the Regression Method of Causal Inference] logic have deduced little more than they have assumed. They have mistakenly assumed that because a predictor correlated with X is important for the purpose of predicting Y, it follows that bias is removed or reduced if we “control” for this variable by adding it to the regression.

*Id.*



not related to job performance, it is an inappropriate variable to use in a regression. Excluding key variables and including irrelevant variables have the same impact.<sup>20</sup>

The purposeful exclusion of control variables from statistical analysis will accordingly be an essential part of any disparate impact inquiry. Indeed, as the foregoing authority suggests, a variable should be presumptively excluded from the statistical analysis unless the defendant can "demonstrate separate from the regression that [the variable] was required and affected performance."<sup>21</sup>

John Yinger succinctly describes: (i) the problem of "included variable bias" (what he calls "diverting variable bias"); (ii) the need to purposefully exclude certain non-legitimate controls from a regression; and (iii) what constitutes "legitimate" controls:

Diverting variable bias arises when a variable that is not a legitimate control variable, but that is correlated with race or ethnicity, is included in the regression. The key issue, of course, is how to define what variables are "legitimate." Under most circumstances, economists are taught to err on the side of including too many variables. In this case, however, illegitimate controls may pick up some of the effect of race or ethnicity and lead one to conclude that there is no discrimination when in fact there is. According to the definition of discrimination used here, legitimate controls are those associated with a person's qualifications to rent or buy a house, buy a car or so on—or, to use a legal term business necessity.<sup>22</sup>

The problem of "included variable bias" can also be illustrated by a stylized version of *Griggs v. Duke Power Co.*,<sup>23</sup> the Supreme Court's first disparate impact case. One could imagine running a regression to test whether an employer was less likely to hire African American applicants than white applicants. It would be possible to control in this regression for whether the applicant had received a high school diploma. Under the facts of *Griggs*, such a control would likely have reduced the racial disparity in the hiring rates. But including in the regression a variable controlling for applicant's education would be inappropriate. The central point of *Griggs* was to determine whether the employer's diploma requirement had a disparate racial impact. The possibility that including a diploma variable would reduce the estimated race effect in the regression would in no way be inconsistent with a theory that the employer's diploma requirement disparately excluded African Americans from employment. Excluding non-race factors is inappropriate in disparate treatment tests, but such exclusion is *necessary* in disparate impact tests so as not to bias the coefficient of interest.

<sup>20</sup> THOMAS R. IRELAND ET AL., *EXPERT ECONOMIC TESTIMONY: REFERENCE GUIDE FOR JUDGES AND ATTORNEYS* (1998).

<sup>21</sup> *Id.*

<sup>22</sup> John Yinger, *Evidence on Discrimination in Consumer Markets*, 12 J. ECON. PERSP. 23, 27 (1998).

<sup>23</sup> 401 U.S. 424, 431-32 (1971).

In disparate impact regressions, it is thus necessary to intentionally exclude even true "causal" variables from the analysis.<sup>24</sup> In a *Griggs* disparate impact regression estimating the probability that particular applicants will be promoted, the high school diploma variable is excluded even though it in fact is believed to truly influence whether particular applicants will be accepted. But only by excluding this causal variable can we estimate whether the employer's diploma requirement in fact has a disparate impact. In fact, by running the regression both with and without the diploma control, one can estimate how much the diploma requirement contributes to the overall disparate impact of the employer's hiring practices.

Just as it would be inappropriate to include a high school diploma variable in the *Griggs* context, it was inappropriate for the Analysis Group to include officer attribute variables in their attempts to test for "racially biased policing." Even if certain officer attributes cause higher arrest or search rates, that is not a reason for allowing these attributes to potentially soak up (and therefore reduce) some of the post-stop racial disparities.<sup>25</sup>

## B. Results

**Arrests.** Tables 8 – 20 summarize our estimates of racial disparities from thirty-four regressions. The tables have a parallel structure with the estimated results from different regression specifications laid out in different columns. For example, in Table 8, which concerns the likelihood of arrest, the first column, labeled "Replication Model," shows the aggregate black and Hispanic disparities from a specification that includes the same controls as used in the Analysis Report.<sup>26</sup> The underlying regression results for this regression can be found in Appendix Table 2. Table 8 aggregates the 17 division race effects with the overall race effects to produce the overall racial disparity estimate. Controlling for the same variables as the Analysis Report, we find that the LAPD was 21.4% more likely to arrest stopped African Americans than stopped whites and 28.5% more likely to arrest stopped Hispanics than stopped whites. Both of these results were

<sup>24</sup> James Heckman has shown that included variable bias can be a problem even in disparate treatment regressions. See Ayres, *supra* note 18, at n.9. Imagine, for example, that an employer's hiring decisions are known to be completely determined by four variables: the applicant's race, the applicant's education, the applicant's prior work experience and the applicant's age. It turns out that a regression that controls for three of these four attributes (race, age, education) may produce more biased estimates about the influence of race than a regression that controls for just two of the attributes (race and age). When a researcher cannot control for all the causal variables, then controlling for a larger subset of causal variables does not necessarily produce less biased results. But this problem of included variable bias is even larger in disparate impact analysis. In the foregoing example, a researcher who had access to all four of the causal variables might still need to intentionally exclude one in order to test whether its exclusion induced a disparate impact in the estimated race coefficient.

<sup>25</sup> There are other control variables that we have retained in our regression specifications that may not provide a plausible explanation for the police behavior in question to justify inclusion in a racial disparity test. For example, controlling for the percent of residents who are divorced in the RD does not seem like a plausible justification for police to arrest more or fewer people in a particular RD. But including these tenuous controls, if anything, makes our test of unjustified racial impacts more conservative.

<sup>26</sup> As described above, *supra* note 11, our replication used a slightly different regression specification with regard to the hierarchical structure of the observations, but this difference did not substantially impact the size or significance of the reported disparities.

highly statistically significant ( $p < .01$ ). Even using the Analysis Group's own controls, we find substantial and statistically significant racial disparities. The previous discussion of omitted variables (such as data on race-specific crime rates) might provide alternative justifications for these disparities. But the existence of such large and unexplained disparities is a reason for concern and a policy response.

The second column of Table 8, labeled "Unrestricted Model," reports the result of a specification that includes all the controls used by the Analysis Group in its various regressions. The only difference between this model and the previous "replication" model is that, unlike the Analysis Report, we did not drop control variables that were statistically insignificant. The Replication models in Tables 8-14 have different control variables for each outcome. Different controls were dropped because they happened not to be significant in the Analysis Group's iterations. But the Unrestricted Model has the same sets of controls across each of the post-stop tables. The same is true for each of the remaining columns. Adding the additional (insignificant) controls does not substantially alter the size or significance of the estimated racial disparities.

The third column of Table 8, labeled "No Officer Attributes," reports the results of the unrestricted model but omits the officer attributes because, as discussed previously, the officer attribute controls do not provide plausible justifications for racial disparities. We believe this specification is the most probative test of whether police behaviors produced unjustified racial disparities. One sees that excluding officer attributes tends to increase the size and the significance of racial disparity. For example, the black disparity rises from 21.4% in the replication model to 29.2% in the "No Officer Attributes" model, and the Hispanic disparity rises analogously from 28.5% to 32.4%. This pattern of heightened disparities and significance is repeated in several of the subsequent tables.

Finally, the last column of Table 8, labeled "RD Fixed Effects, No Officer Characteristics," reports the results of a regression that replaces the RD-invariant control variables with individual controls for each of 1008 RDs within the city of Los Angeles. Including these RD-specific controls may inappropriately absorb the race coefficient because after controlling for violent and property crime rates in the RD and a host of other RD characteristics, RD characteristics do not provide a plausible justification for racial disparities in arrest propensity. If two RDs have similar crime rates and are similar in other relevant characteristics, it seems inappropriate to allow one RD to be assigned a higher arrest propensity when this is likely to soak up part of what otherwise would be a larger estimate of racial disparities. We report this regression as a robust check—even after giving the regression literally hundreds of RD-specific possibilities to explain away elevated arrest rates for blacks and Hispanics, we still find large and largely unchanged estimates of racial disparity. That is, even if we look at differences within each of the 1,000 reporting districts and ignore the differences that play out between reporting districts, blacks are 27.5% more likely than whites to be arrested, while Hispanics are 32.6% more likely than whites to be arrested. The racial disparities in likelihood of arrest are robust to adding in RD-specific controls.

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**Citations.** Table 9 reports the results from parallel regressions concerning the likelihood that stopped people will be cited by the police. The four different specifications show a consistent pattern that stopped African Americans are significantly less likely to be cited than stopped whites. For example, in our preferred “No Officer Attributes” specification, stopped African Americans were 31.6% less likely to be cited than stopped whites ( $p < .01$ ). But the exclusion of officer attributes again increases the size and significance of the estimated Hispanic disparity. In the “Replication” model, the stopped Hispanics were slightly (.2%) less likely to be cited than stopped whites. This result was not statistically significant. But when we excluded officer attributes, we found that stopped Hispanics were 4.8% more likely to be cited and that this disparity was statistically significant ( $p < .01$ ).

In interpreting the citation disparities, however, it is important to keep in mind the difference between the conditional and unconditional liability of being cited. While Table 9 shows that the citation likelihood *conditional on being stopped* is less for African Americans than whites, Table 6 shows the unconditional likelihood of African Americans being cited was significantly higher than that of whites. Even after controlling for the local crime rate, African Americans are so much more likely to be stopped than whites, that their probability of being cited is higher.

But there is a basic ambiguity in citation results. One troubling interpretation is that the police department is using the stop itself as a form of harassment. Table 10 indicates, for example, that African American stops are 21% less likely than white stops to generate an arrest or citation. This tendency for African American stops (again, after controlling for RD crime and host of other variables) to be systematically less productive raises the possibility that many of these stops are unnecessary. On the other hand, Table 8 indicates that stopped African Americans are systematically more likely to be arrested than stopped whites. A core ambiguity then is whether the heightened arrest rate of stopped blacks should be seen as a justification for the higher likelihood of “no action” stops or if the heightened arrest rate should be seen independently as a cause of potential police mistreatment of African Americans. Without better information about the underlying criminality of specific racial groups, it is difficult to adjudicate between these two different interpretations.<sup>27</sup>

**Citations and Arrests: The “Same Race” Benchmark.** In the absence of information about criminality of racial groups, an alternative benchmark that has been used in other racial disparity testing<sup>28</sup> is to investigate the behavior of minority officers. Minority officers themselves might be subject to racial bias against their own race. But if minority officers are likely to show *less* conscious or unconscious bias with regard to

<sup>27</sup> It is also possible that both interpretations are true. The police may simultaneously stop an excessive number of African Americans (with these stops ending in “no action”) and the police may excessively arrest stopped African Americans compared to similarly situated stopped whites.

<sup>28</sup> Stacia Gilliard-Matthews, Brian R. Kowalski & Richard J. Lundman, *Officer Race and Citizen-Reported Traffic Ticket Decisions by Police in 1999 and 2002*, 11 POLICE Q. 202-219 (2008); John J. Donohue III & Steven D. Levitt, *The Impact of Race on Policing and Arrests*, 44 J.L. & ECON. 367 (2001); Joe Price & Justin Wolfers, *Racial Discrimination Among NBA Referees* (Nat’l Bureau of Econ. Research, Working Paper No. 13,206, 2007).

suspects of the same race, then a discrepancy in the police behaviors of minority and non-minority officers could provide evidence of unjustified racial disparity. Tables 11 and 12 provide an analysis of racial disparities controlling for officer race using the controls from the "Unrestricted Model" discussed above.<sup>29</sup> Table 11 shows, for example, that with regard to arresting decisions, the racial disparities for minority officers are systematically lower than that of non-minority officers. Non-black officers were 26.9% more likely to arrest stopped blacks, but black officers were only 17.7% more likely to arrest stopped blacks. Similarly we find that non-Hispanic officers were 31.1% more likely to arrest stopped Hispanics, but Hispanic officers were only 24.5% more likely to arrest stopped Hispanics. This evidence of differential policing behavior by minority and non-minority officers is further evidence that at least some portion of the racial disparity is unjustified.

Black officers also seem to lean against the citation disparity discussed above. Table 12 shows that non-black officers were 25.0% less likely to cite stopped blacks, but black officers were only 4.5% less likely to cite them. This suggests that black officers were simultaneously less likely to arrest and less likely to "no action" stopped blacks. These disparities in arrest and citations rates were statistically significant. The different estimated racial disparities of minority and non-minority police officers (after controlling for a host of other characteristics) raise troubling concerns about whether policing behaviors are driven by substantive differences in the criminality of the suspects.

***Frisks, Searches and Requests to Exit Vehicle.*** We conducted parallel tests of racial disparities regarding police decisions to frisk and search stopped individuals. With regard to blacks, we find very substantial racial disparities. Table 13 shows that in all specifications (controlling for crime and a host of other factors), stopped African Americans are more than twice as likely to be frisked as stopped whites, and that stopped Hispanics are more than 40% more likely to be frisked.

Table 14 shows that police are substantially more likely to request to search stopped African Americans than stopped whites—about 50% more likely in the replication and unrestricted models, rising to 76.4% more likely when officer attributes are excluded. This latter finding is particularly troubling, as it suggests that differences in the officers are driving a 25% point difference in the racial disparity. And excluding officer attributes, we find that police are 16.0% more likely to request to search stopped Hispanics than stopped non-Hispanic whites. Table 15 shows that the racial disparities for non-consensual stops are even higher—in our preferred "No Officer Attributes" specification, stopped blacks are 80.7% more likely than stopped whites to be subjected to a non-consensual search, and stopped Hispanics are 76.8% more likely.

Finally, we find that police are much, much more likely to ask minorities to exit vehicles. Table 16 shows in vehicle stops that police are 165.9% more likely to request that stopped African Americans exit their vehicles than stopped whites, and that stopped-

<sup>29</sup> For simplicity in interpreting the results, we dropped the district/race interaction variables so that the arrest coefficient reflects a citywide number. We then included dummy variables denoting cases when a black officer stopped a black suspect and when a Hispanic officer stopped a white suspect.

Hispanics are 131.9% more likely to be asked. All these results are statistically significant ( $p < .01$ ) and robust to including a variety of different controls related to the crime rate and other attributes of the stop.

***Excluding Low-Discretion Outcomes.*** The Analysis Report appropriately considers the impact of excluding stop observations where, because of policy, police officers had less discretion on whether to undertake a particular activity. For example, with regard to the decision of whether or not to search an individual, department policy requires that a search be conducted whenever an individual is placed under arrest. Excluding the low discretion observations of search incident to arrest could focus attention on stops where officers had more discretion. We have some suspicion of the methodology as applied to some of the sanctions, because the classification of a sanction as non-discretionary may depend on officer decisions just as discretionary as a sanction. For example, an arrest of a violent suspect is a non-discretionary arrest. However, we have no objective information about whether the suspect was actually violent—merely the officer's classification of him or her as such on the FDR. However, we have followed the Analysis Group's categories in excluding low-discretion searches. For example, for the regressions reported in this section relating to high-discretion searches, we only retained searches that fell into the Analysis Group's definition:

For the purposes of this analysis, higher discretion searches were those for which the authority for the search was odor of contraband, parolee/probationer searches, and searches incident to patdown/frisks.<sup>30</sup>

To the extent that racial disparities are driven by low or no-discretion choices, we might conclude that the racial disparities are less problematic. In fact, one of the Analysis Report's conclusions might suggest just this interpretation, as the Report emphasized:

Racial disparities are generally lower when stops with lower discretion are removed from the analysis, with the exception of non-gang officer requests to exit the vehicle.<sup>31</sup>

However, some of the low-discretion circumstances, such as search incident to arrest, might themselves be a by-product of higher discretion police choices. In other words, although a search is mandatory given the decision to arrest, the decision to arrest may itself be discretionary, or the result of a discretionary action such as a frisk. Moreover, a finding that racial disparities are not driven by officer discretion still leaves open a separate question of whether the police policies driving the disparities are themselves justified. But in this section, we address a narrower question. What is the impact on the aggregate city-wide disparities if we omit observations with low-discretion police actions?

We reran two of the four specifications outlined above—the unrestricted model and the no-officer attributes model without low-discretion action observations—and

<sup>30</sup> ANALYSIS REPORT, *supra* note 1, at 11.

<sup>31</sup> *Id.* at 4.

recalculated the aggregate racial disparities. For example, as Table 17 shows, we excluded observations when there was an arrest for outstanding warrants, violent crimes and DUIs (Driving Under the Influence), and we found reduced racial disparities. But in our preferred specification, the arrest disparities for both blacks and Hispanics remained statistically significant. Stopped blacks were 13.7% more likely to be subjected to high-discretion arrests and stopped Hispanics 21.4% more likely to be subjected to high-discretion arrests. Table 18 reports the results of analogous regressions excluding low-discretion citations and finds that excluding these observations extinguishes the previously reported citation disparity disfavoring Hispanics (suggesting that this earlier disparity is driven by low discretion citations). The estimated black citation disparity favoring blacks grows slightly (suggesting that there is slightly greater racial disparity for high-discretion citations).

Finally, we find that the previously reported racial disparities in searches and in requests to exit vehicles are not driven by low-discretion police decisions to engage in these actions. If anything there is a tendency for the removal of low-discretion searches to increase the size of these disparities. For example, Table 14 reports that police were 76% more likely to request to search stopped blacks than stopped whites (and 16% more likely to request to search stopped Hispanics). But after excluding low-discretion searches, we find in Table 19 that police are 106% more likely to search stopped blacks than stopped whites (and 12% more likely to search stopped Hispanics). Similarly, we found in Table 16 that police were 166% more likely to request that stopped blacks exit their vehicles than to make that request to stopped whites (and 132% more likely to make the request to stopped Hispanics). But Table 20 reports that after excluding low-discretion requests (related to violent arrests), that these black and Hispanic disparities remain virtually unchanged.

In sum, we find with regard to some police actions that excluding low-discretion observations increases the previously estimated racial disparities—suggesting that the high-discretion actions are particularly prone to unjustified police bias. With regard to other police actions, excluding low-discretion observations reduces the estimated racial disparities—suggesting that the previous racial disparities are at least partly driven by police policies and not individual officer decision-making. However, the larger picture is that previous findings of statistical significance remain robust to exclusion of low-discretion observations. Even excluding low-discretion observations, we continue to find statistically significant racial disparities disfavoring stopped African Americans and Hispanics with regard to arrest, search and requests to exit the vehicle.

**Individual Officer Effects.** Although it is not appropriate to control for officer attributes when testing whether or not there are unjustified racial disparities, it is appropriate to look at individual officers when trying to discern the possible source of these racial disparities. This section explores this issue by: i) estimating black and

Hispanic disparities for individual officers; and ii) correlating these disparity estimates with underlying officer attributes.<sup>32</sup>

Figure 2 reports the results of the first part of this exercise. We reran the original "No Officer Attributes" regression reported in Table 8, but instead of estimating division-specific racial disparities, we estimated officer-specific racial disparities for 540 different officers. This subset of officers was selected on the basis that each of these officers had a high number of stops (greater than or equal to 200) and that each of these officers had at least one positive outcome for each race, that is, had arrested at least one white, one black, and one Hispanic.<sup>33</sup> Figure 2a reports the disparities in the propensity of individual officers to arrest stopped blacks relative to stopped whites. Figure 2b reports the analogous arrest disparities regarding stopped Hispanics relative to stopped non-Hispanic whites. As before, all of these officer disparity estimates are controlling for the crime rate, RD characteristics and a host of stop attributes. The point estimate for each officer is indicated by the darker circle and it is surrounded above and below by a gray bar indicating the 95% confidence interval for the disparity estimate. The figures sort the officer estimates from the estimates that most disfavor stopped whites (on the left) to those that most favor stopped whites (on the right).

Overall, the figures show that a majority of the officers are estimated to have a racial disparity in arrests that disfavor minorities. 57.2% (309/504) of the officers are estimated to have a heightened propensity to arrest stopped blacks relative to similarly situated stopped whites, and 59.4% (321/504) of the officers are estimated to have a heightened propensity to arrest stopped Hispanics relative to similarly situated stopped non-Hispanic whites. But as discussed above, it should not be surprising that few of these individual officer disparity estimates are statistically significant. Dividing the data so thinly robs the individual officer tests of their power to identify statistically significant differences. But as emphasized earlier with regard to division-specific disparity estimates, the failure of statistical significance with regard to subgroups does not mean that one cannot identify statistical significance in the aggregate. And in fact, Table 8 already shows that the aggregation of these individual officer disparities produces sizeable and statistically significant net differences disfavoring stopped African Americans and Hispanics.

Figure 3 is a simple scatter plot of the estimated black and Hispanic arrest disparities in a single graph. The figure shows that two estimates of disparity are positively correlated. Officers who are estimated to have a higher unjustified bias against stopped Hispanics are likely to have a higher estimated unjustified bias against stopped blacks. This provides some evidence that the estimated racial disparities are not simply

<sup>32</sup> The Analysis Group initially intended to make "officer-to-officer comparisons." But "in response to public comments" the City apparently choose not to have the Analysis Group "identify[] individual officer[s] and/or groups of officers that may warrant further review." See ANALYSIS GROUP, *supra* note 7.

<sup>33</sup> Of the officers who met these criteria, one was dropped as an outlier. This officer had only stopped one white and more than 100 blacks and 100 Hispanics. While it is appropriate to exclude this anomalous officer from the statistical analysis of the department, from a management perspective, such an outlier should be the focus of additional scrutiny.



noise or randomness. Instead, it suggests that the same underlying factors drive two types of racial disparity.

Tables 21 and 22 investigate whether specific officer attributes are correlated with the estimated racial disparities displayed in Figure 2. Ordinary least square regressions of the black and Hispanic officer-specific regressions provide some evidence of officer attributes that are correlated with racial disparities. Across all six regressions in these tables, minority officers are estimated to have lower racial bias than white officers, but none of these effects is statistically significant. Officers with more commendations are estimated to have statistically significant higher black and Hispanic bias. In addition, officers assigned to traffic duty have statistically significant higher black and Hispanic racial bias than patrol officer assignments. At the moment, these correlations are at best suggestive of officer attributes that might predict in advance the degree of individual officer bias. But this is an issue that we will return to later in our “Conclusion and Recommendations” section.

#### IV. Post-Search Regressions, or “Hit Rate” Analyses

##### A. Methodology

Our final major empirical effort concerns an assessment of the likelihood that frisks and searches will produce evidence of contraband. Although these assessments were performed using the same data on which Analysis Report is based, that report did not undertake these studies. These post-search regressions are a standard tool of testing for police racial disparities,<sup>34</sup> and are sometimes referred to as “outcome” tests or “hit rate” tests—because they investigate the probable outcome of searches (or the probability that a search will uncover contraband, i.e., a hit).<sup>35</sup> The *ex post* probability that a police search will uncover contraband or evidence of illegality is strong evidence of the average level of probable cause that police require before undertaking a search. A finding that minority searches are systematically less productive than white searches is accordingly evidence that police require less probable cause when searching minorities. To be sure, such a finding does not require that we infer that police engaged in disparate treatment—but, at a minimum, it is evidence that whatever criteria the police employed produced an unjustified disparate impact.<sup>36</sup> Such evidence would suggest that if police required the same level of probable cause when searching minorities as when searching whites, there would be fewer minorities searched (or proportionally more whites searched).

A major advantage of these outcome tests is that they are not susceptible to the omitted variable bias critique that has plagued traditional regression-based tests of disparate treatment. Researchers don’t need to observe and control for all of the variables

<sup>34</sup> John Knowles, Nicola Persico, & Petra Todd, *Racial Bias in Motor Vehicle Searches: Theory and Evidence*, 109 J. POL. ECON. 203, 203-29 (2001).

<sup>35</sup> Ian Ayres, *Outcome Tests of Racial Disparities in Police Practices*, 4 J. JUST. RES. & STAT. ASSOC. 131 (2002).

<sup>36</sup> Evidence of an unjustified disparate impact can be used as evidence of intentional discrimination (disparate treatment), and under current federal law, unjustified disparate racial impacts of police action can be challenged. See 28 C.F.R. § 42.203(3) (implementing 42 U.S.C. § 3798d(c) (2000)).

that police considered in deciding whether to search, as long as they can observe the outcome of their decision-making.

Indeed, in sharp contrast to disparate-treatment testing, an outcome-regression testing for unjustified disparate racial impacts in searching decisions needs only include controls for the race of the people who are stopped. The outcome tests are not embarrassed by omitted variable bias, because under the null hypothesis there should be no observable variables that systematically affect the probability of success once the police have made an individualized assessment so as to equalize this very probability.<sup>37</sup> Indeed, perversely, the outcome test intentionally harnesses omitted variable bias to test whether any excluded (unjustified) determinant of decision-making is sufficiently correlated with the included racial characteristics to produce evidence of a statistically significant racial disparity.<sup>38</sup> Any finding that the police searches of individuals with a particular characteristic (such as minority status) induce a systematically lower probability of uncovering illegality suggests that police search criteria unjustifiably subject that class of individuals to the disability of being searched.

This omitted variable point can be restated in more legalistic terms. The outcome test is not susceptible to the "qualified pool" problem that plagues both traditional disparate impact and disparate treatment issues of proof. In an outcome test, the police by their own searching decisions define what they think the qualified pool is, and the outcome test then directly assesses whether the minorities and non-minorities so chosen are in fact equally qualified to be searched. A finding that the search hit rate (that is, the probability of finding evidence of illegality) is systematically lower for searched minorities than for searched whites suggests that minorities less deserved (that is, were less "qualified") to be searched.

Outcome tests are not always an infallible measure of whether policing decisions generate unjustified racial disparate impacts.<sup>39</sup> But a finding that minority searches are systematically less productive than searches of whites raises serious concerns and shifts the burden to explain a legitimate reason for the disparity. A defense that police searching decisions were driven by the underlying criminality of those searched—and that minorities make up a larger proportion of those deserving to be searched—would be contradicted by systematically lower success rates of minorities when such searches were in fact completed.

<sup>37</sup> Knowles, Persico & Todd, *supra* note 34, suggests that the average success rate of searches for different races will also tend toward equality because of the strategic reaction of the individuals subject to searches.

<sup>38</sup> Stephen Ross & John Yinger, *The Default Approach to Studying Mortgage Discrimination: A Rebuttal*, in MORTGAGE LENDING DISCRIMINATION: A REVIEW OF EXISTING EVIDENCE 107, 112 (M. A. Turner & F. Skidmore eds., 1999), have noted that the default approach attempts to identify mortgage discrimination by purposely omitting variables from the regression.

<sup>39</sup> See, e.g., discussion of the infra-marginality problem and the sub-group validity problem in Ayres, *supra* note 35, and chapter 6 of Ayres, *supra* note 6.

## B. Results

Tables 23 through 28 report the result of our post-search regressions on a variety of different investigative techniques, on a variety of different types of contraband, and on a variety of specifications. [The underlying regressions for these specifications can be found in Appendix Tables 36 through 53.] For example, Table 23 concerns the likelihood that a frisk would uncover a weapon. The first column reports the results of a regression that simply controls for the race of the person stopped. As just discussed, this specification produces our preferred estimate of racial disparity. In this column, we see that frisked African Americans are 42.3% less likely to be found with a weapon than frisked whites and that frisked Hispanics are 31.8% less likely to have a weapon than frisked non-Hispanic whites. These statistically significant findings are particularly important because pat-downs and frisks are constitutionally justified by the need to ensure officer safety by searching for accessible weapons, and are not intended to look for drugs or other contraband.<sup>40</sup>

But as a test of robustness, we include in each of our outcome tables two other regression specifications which add in successively more controls. The middle column of Table 23 adds in controls related to the attributes of the specific stop—such as whether the stop took place at night, whether the stop took place on the weekend, the division where the stop occurred, the role (driver, passenger or pedestrian) of the suspect and the assignment (traffic, patrol or other) of the officer. Adding these stop attribute controls slightly lowers the racial disparity estimates. The black frisk disparity is reduced to 39.9% and the Hispanic frisk disparity falls to 28.2%. But as emphasized above, it is not clear that allowing these additional controls to soak up part of the estimated racial disparity gives a more accurate view of the true unjustified disparate impact. Imagine, for example, that the police demand lower justification to frisk people at night and that Hispanics are disproportionately frisked at night. Including (as the middle specification does) a control for night-time stops might then reduce the estimated Hispanic disparity. But the policy of frisking people with a lower probable cause at night is producing a disparate impact on Hispanics and something would have to be produced to explain why this disparate impact was justified. As with the post-stop regression, including controls that don't provide a plausible justification can actually bias downward the disparate impact estimate.

This problem of included variable bias is even more severe with respect to the final column reported in Table 23. This specification includes controls for RD stop specifications as well. These include all the available information about the stop circumstances plus the number of gang stops in the RD, the violent and property crime rates in the RD and the number of business tax accounts and retail tax accounts in the RD (estimated by the Analysis Group). But it is even harder to understand why these extra

<sup>40</sup> The Supreme Court has stated that “a protective search – permitted without a warrant and on the basis of reasonable suspicion less than probable cause – must be strictly limited to that which is necessary for the discovery of weapons which might be used to harm the officer or others nearby. If the protective search goes beyond what is necessary to determine if the suspect is armed, it is no longer valid . . . .” *Minnesota v. Dickerson*, 508 U.S. 366, 373 (1993).

controls would provide valid justifications for disparate racial impacts. The police might demand a lower probable cause for frisking people in RDs with higher divorce rates and this policy might disproportionately cause minorities to be searched. But if this causes searches of minorities to be less successful than searches of whites, then the policy is facially unjustified. Nonetheless, Table 23 shows that including these additional (inappropriate) controls does not eliminate the statistical significance of the sizable racial disparities. The black frisk disparity in this specification is still 38.4% and the Hispanic frisk disparity is still 24.1%.

Tables 24 and 25 calculate frisk disparities related to other types of contraband. In our preferred specification, frisked blacks are 25.4% less likely than frisked whites to be found with drugs and 32.8% less likely to be found with any other type of contraband. Frisked Hispanics are 38.2% less likely to be found with drugs and 15.1% less likely to be found with any other type of contraband.<sup>41</sup> These results are statistically significant. The size of the disparities diminishes and tends to become less statistically significant as controls are added. This indicates that police frisking policies correlated with these non-race attributes are driving part of the estimated racial disparities, but it does not speak directly as to whether those policies are justified.

Tables 26-28 report analogous outcome tests with regard to consensual searches. Again, in all of our preferred "Race Only" regressions we find that searches of blacks and Hispanics are substantially less productive than those conducted on stopped whites:

Consensual searches of blacks are 37.0% less likely to uncover weapons, 23.7% less likely to uncover drugs and 25.4% less likely to uncover anything else.

Consensual searches of Hispanics similarly are 32.8% less likely to uncover weapons, 34.3% less likely to uncover drugs and 12.3% less likely to uncover anything else.

In this specification, all of these results are statistically significant. Once again the sizes of these disparity estimates decrease and often become statistically insignificant when additional controls are added to the regression.

All in all, the results of this report raise grave concerns that stopped African Americans and Hispanics were over-frisked and over-searched. Tables 13 and 14 show that, after controlling for the crime and a host of other stop characteristics, stopped minorities were substantially more likely to be stopped. For example, Table 13 shows that a stopped African American was more than twice as likely to be frisked as a similarly situated stopped white. And the outcome results of this section provide powerful evidence that these elevated rates of frisking and searching were not justified. The frisks and searches of minorities were systematically less likely to produce weapons, drugs or any other form of contraband.

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<sup>41</sup> "Other contraband" ranged from stashes of money, to alcohol, to evidence of crime.

## V. Conclusion and Recommendations

The results of this study raise grave concerns that African Americans and Hispanics are over-stopped, over-frisked, over-searched, and over-arrested. After controlling for the violent and property crime rates in the specific reporting district and a host of other variables, we find that:

Per 10,000 residents, the black stop rate is 3,400 stops higher than the white stop rate and the Hispanic stop rate is almost 360 stops higher.

Relative to stopped whites, stopped blacks are 127% more likely to be frisked and stopped Hispanics are 43% more likely to be frisked.

Relative to stopped whites, stopped blacks are 76% more likely to be searched and stopped Hispanics are 16% more likely to be searched.

Relative to stopped whites, stopped blacks are 29% more likely to be arrested and stopped Hispanics are 32% more likely to be arrested.

All of these disparities are statistically significant ( $p < .01$ ). While the stop rate for whites/other was 1,750 stops per 10,000 residents, the stop rate for blacks was more than 4,500 stops. And in the Central division, there were more stops of blacks and Hispanics in a single year than there were black and Hispanic residents. These stark statistics from a single year of LAPD motor vehicle and pedestrian stops give a numeric lens for the lived experience of "driving while black" or "driving while Hispanic."

But, as emphasized by the Analysis Report, these substantial and statistically significant racial disparity estimates by themselves do not provide conclusive or incontrovertible evidence that the LAPD engaged in race-contingent profiling or even that policing decisions produced unjustified disparate impacts. Most importantly, the post-stop regressions in this report were not able to control for the race-specific criminality of the people who were stopped or the race-specific crime rates in the areas where the stops occurred.

To respond to this legitimate alternative explanation for the estimated disparities, we have exploited a variety of indirect benchmarks to try to control for race-specific criminality. Our Post-Search "outcome" tests strongly corroborate the finding that African Americans and Hispanics are over-frisked and over-searched. Because of the outcome tests, we know that the frisks and search rates are not only disproportionately high given the area crime rate and other factors, but we also know that these investigative techniques are systematically less productive when conducted on blacks and Hispanics than when conducted on whites. It is implausible that the higher frisk and search rates were justified by higher minority criminality, when these frisks and searches were less likely to uncover weapons, drugs or other types of contraband.

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Our analysis of officer race provides another indirect control for race-specific criminality. Although we as researchers do not observe all the criminality of the specific people who are stopped, the stopping officers are exposed to several types of data that are not in the dataset. If we assume that officers are less likely to engage in racially biased policing against members of their own race, we can use the behaviors of police with regard to people of the same race as a benchmark to test the behaviors of police with regard to people of other races. Our "same race" regressions support the finding that African Americans and Hispanics are over-arrested. The black arrest disparity was nine percentage points lower when the stopping officer was black than when the stopping officer was non-black. Similarly, we found that the Hispanic arrest disparity was seven percentage points lower when the stopping officer was Hispanic than when the stopping officer was a non-Hispanic white. Furthermore, African American officers are more likely to cite African Americans, and significantly less likely to subject African Americans to a "no action" stop, suggesting that the lower citation rate of African Americans by non-black officers may be because African Americans are pulled over by non-black officers more often when committing no violation, rather than because African-American officers show leniency for African Americans who commit citable offenses.

These results taken as whole provide sufficient reason for the LAPD both to engage in further investigation and to take actions to mitigate these probable unjustified racial disparities.

This report is based on our statistical analysis of LAPD officers' self-reported actions, not a study of the Department's policies or history. We recognize that the Department has taken steps toward addressing these issues in recent weeks, but do not evaluate their response. Our recommendations grow from the statistical evidence and the concerns it raises and are not intended to be exhaustive. At a minimum, we recommend that the department undertake the following concrete actions: The department should: (i) undertake ongoing and enhanced data collection; (ii) establish an "early warning" system with feedback about disparities at the officer, RD and division levels, as well as independent statistical assessment of racial profiling complaints; and (iii) create anti-bias training and test whether the training is effective.

***Ongoing and Enhanced Data Collection.*** The findings strongly support continued collection of stop data that allows for longitudinal assessment of whether racial disparities in stopping, searching and arresting are growing or diminishing over time. The current data-structure contains a wealth of information for analysis. Without continued collection, it will be impossible for the Department or others to determine whether, relative to the past, racial disparities are increasing or decreasing.

But the inclusion of two additional types of data would be particularly worthwhile. First, the department should incorporate information about race-specific crime rates taken from victimization reports. Victimization data is not error free (especially with regard to victimless crimes and crimes where victims do not know the race of the criminal). But victimization data is not produced directly by the police and

hence does not suffer from the contamination concern. Controlling for violent and property crime rates of specific races in specific RDs would powerfully respond to the concern that racial disparities were driven by race-specific differences in offending. Victimization evidence of this kind is collected by other police departments (see, for example, the NYPD) and has been used by other researchers to test for unjustified racial impacts.

Second, the department should require that all existing and new officers take the Implicit Association Test (IAT) and retain the results of these tests. The IAT is a free Internet test which takes about ten to fifteen minutes to complete.<sup>42</sup> It produces a measure of unconscious bias with regard to the attribute being tested. For example, the Black/White IAT produces a measure of whether an individual has unconscious negative associations with photographs of African Americans relative to photographs of whites. Collecting information about the IAT of individual officers would provide a powerful validation test of the estimated racial disparities reported in this report. If the individual officer disparities estimated in Figure 2 are positively correlated with the disparities estimated by the IAT, it would be very hard to accept that the policing disparities were justified by suspect or stop attributes. We would be willing to donate our time to set up an Internet-based system that would administer the test and retain confidential IAT results. We would also be willing to analyze the results to see if the IAT disparity measures correlate with the officer disparities estimated in this report.<sup>43</sup>

***An Early Warning System With Periodic Assessment.*** In addition to enhanced, ongoing data collection, we recommend that the department establish a system to periodically assess the degree of black and Hispanic disparities on various outcome measures. This assessment should be undertaken at both the RD and division level. In addition, the department should develop an early warning system to proactively identify officers who start to display systematic racial discrepancies in their policing behavior. The purpose of this early warning system would not be to automatically reassign or restrict the freedom of these officers, but to trigger additional assessments during the officers' periodic evaluations and to allow the opportunity to intervene with additional training or other corrective measures.

In addition, the department should statistically assess the policing behavior of individual police who have been subjects of racial profiling complaints. When an officer has been accused of race discrimination, the department should do more than ask whether the stop or arrest in question was legally justified. An assessment of whether the accused behavior is consistent with a more general pattern or practice of discrimination should be undertaken.

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<sup>42</sup> Anyone can take the IAT through the Harvard website: <https://implicit.harvard.edu/implicit/index.jsp>.

<sup>43</sup> If the department preferred, we could arrange for a team of respected academics, including Mahzurin Banaji of Harvard University, Petra Todd of the University of Pennsylvania, and Justin Wolvers of the Wharton School at the University of Pennsylvania, to supervise the administration and analysis of IAT testing.

***Anti-Bias Training and Testing.*** Finally, we recommend that the department develop additional anti-bias training to help reduce the estimated disparities uncovered in this report. We recommend, however, that the department test whether the training is in fact effective by initially conducting a randomized study to determine whether officers exposed to anti-bias training in fact exhibit lower racial disparities. IAT testing should be an important component of any anti-bias training. The IAT results can provide both a validation metric of racial disparity and a policy instrument for department action. If the IAT test is shown to correlate with estimates of individual officer policing disparities, then it might be appropriate to test whether anti-bias training has the effect of reducing the unconscious bias that officers display in the IAT.<sup>44</sup>

Reasonable people can differ about the exact interpretation of the results in this report and about the appropriate department response to these results. But the robust findings of racial disparity that persist after controlling for crime rates and a host of other factors are hard to dismiss. To our mind, they shift the burden to the department to provide a response.

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<sup>44</sup> The IAT results might also be used as a factor in officer assignment and even hiring decisions. See Ayres, *supra* note 6.



**Table 1: Number of Stops per 10,000 Residents  
942 Reporting Districts Containing 3,456,086 Los Angelenos**

	<b>White or Other</b>	<b>Black</b>	<b>Hispanic</b>
01 - Central	4,992	21,447	10,178
02 - Rampart	1,623	7,503	1,430
03 - Southwest	1,132	3,327	1,254
04 - Hollenbeck	975	1,509	1,409
05 - Harbor	1,402	3,724	1,862
06 - Hollywood	2,932	14,412	2,876
07 - Wilshire	2,104	3,792	2,003
08 - West L.A.	1,827	6,755	3,294
09 - Van Nuys	1,943	4,220	1,981
10 - West Valley	1,187	3,260	1,729
11 - Northeast	1,121	3,912	1,346
12 - 77th Street	1,954	3,715	1,344
13 - Newton Street	4,836	5,773	1,604
14 - Pacific	2,469	6,832	2,940
15 - North Hollywood	1,301	2,641	1,305
16 - Foothill	1,568	3,457	1,701
17 - Devonshire	1,207	3,056	2,169
18 - Southeast	1,254	3,748	1,110
Average	1,750	4,569	1,773

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**Table 2: Number of Arrests per 10,000 Residents  
942 Reporting Districts Containing 3,456,086 Los Angelenos**

	<b>White or Other</b>	<b>Black</b>	<b>Hispanic</b>
01 - Central	514	7,165	1,514
02 - Rampart	261	2,840	316
03 - Southwest	50	368	120
04 - Hollenbeck	50	215	224
05 - Harbor	131	604	252
06 - Hollywood	347	4,020	497
07 - Wilshire	108	536	264
08 - West L.A.	96	912	380
09 - Van Nuys	151	674	282
10 - West Valley	114	542	289
11 - Northeast	78	802	218
12 - 77th Street	254	546	164
13 - Newton Street	447	1,007	169
14 - Pacific	267	1,167	518
15 - North Hollywood	142	428	279
16 - Foothill	166	701	281
17 - Devonshire	117	399	402
18 - Southeast	159	614	145
Average	159	844	277

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**Table 3: Number of Citations per 10,000 Residents  
942 Reporting Districts Containing 3,456,086 Los Angelenos**

	<b>White or Other</b>	<b>Black</b>	<b>Hispanic</b>
01 - Central	3,730	8,783	7,036
02 - Rampart	1,105	2,876	768
03 - Southwest	967	2,000	845
04 - Hollenbeck	788	843	791
05 - Harbor	950	1,565	1,054
06 - Hollywood	2,147	6,861	1,923
07 - Wilshire	1,826	2,085	1,343
08 - West L.A.	1,576	4,294	2,340
09 - Van Nuys	1,563	2,377	1,311
10 - West Valley	900	2,015	1,082
11 - Northeast	903	2,216	847
12 - 77th Street	1,223	1,493	799
13 - Newton Street	3,745	2,734	1,051
14 - Pacific	1,923	4,231	2,049
15 - North Hollywood	968	1,521	728
16 - Foothill	1,045	1,347	930
17 - Devonshire	896	1,970	1,426
18 - Southeast	763	1,615	653
Average	1,358	2,251	1,103

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Table 4: Rate of Stops per 10,000 Residents			
N = 2825 (RD / Race Pairs)			
Black	3437.561 ** 12.66	3437.580 ** 12.7	3437.584 ** 12.73
Hispanic	359.156 ** 2.03	359.165 ** 2.03	359.169 ** 2.04
Violent Crime Rate	16.268 ** 19.98	15.121 ** 16.86	15.164 ** 16.73
Property Crime Rate	0.755 ** 3.93	0.845 ** 4.36	0.762 ** 3.9
Percent Black	-6383.787 ** -12.38	-6009.155 ** -11.01	-4808.607 ** -7.34
Percent Hispanic	-1867.423 ** -6.18	-941.424 ** -2.22	83.801 0.17
Percent Under 24		-4354.045 ** -4.14	-2839.210 ** -2.24
Percent Unemployed		3598.202 ** 2.12	3461.404 ** 2.04
Percent Poverty		502.709 0.57	855.359 0.72
Percent Property Owner			-115.184 -0.28
Percent Single Parent			-7983.661 ** -4.35
Percent Divorced			2705.134 0.91
Constant Term			1622.652 2.83
R-squared	0.270	0.276	0.280

\*\* Significance > 99%, \* Significance > 95%  
 Disparities in stop rates of blacks and Hispanics controlling for crime rates, economic, and demographic characteristic. The numbers in the first two rows represent the estimated additional number of stops for blacks and Hispanics over whites, per 10,000 residents (and the corresponding T-statistic). The three columns represent regressions controlling for an increasing number of variables. The minimal change in the stop rates indicates that the disparities persist even when controlling for these additional variables.

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Table 5: Rate of Arrests per 10,000 Residents

N = 2825 (RD / Race Pairs)

Black	866.245 ** 11.76	866.252 ** 11.86	866.253 ** 11.91
Hispanic	160.843 ** 3.35	160.846 ** 3.38	160.848 ** 3.39
Violent Crime Rate	4.140 ** 18.75	3.541 ** 14.63	3.574 ** 14.63
Property Crime Rate	-0.158 ** -3.03	-0.110 ** -2.11	-0.140 ** -2.66
Percent Black	-1699.076 ** -12.15	-1658.409 ** -11.26	-1357.889 ** -7.7
Percent Hispanic	-373.059 ** -4.55	-139.584 -1.22	176.583 1.34
Percent Under 24		-1532.422 ** -5.41	-921.803 ** -2.7
Percent Unemployed		2166.463 ** 4.73	2112.995 ** 4.63
Percent Poverty		269.346 1.14	392.034 1.23
Percent Property Owner			-29.530 -0.27
Percent Single Parent			-2406.919 ** -4.87
Percent Divorced			1652.551 ** 2.07
Constant Term	151.053 3.71	373.030 5.27	117.094 0.76
R-squared	0.183	0.196	0.204

\*\* Significance > 99%, \* Significance > 95%

Disparities in arrest rates of blacks and Hispanics controlling for crime rates, economic, and demographic characteristic. The numbers in the first two rows represent the estimated additional number of stops for blacks and Hispanics over whites, per 10,000 residents (and the corresponding T-statistic). The three columns represent regressions controlling for an increasing number of variables. The minimal change in the stop rates indicates that the disparities persist even when controlling for these additional variables.

06/22/2011

Table 6: Rate of Citations per 10,000 Residents

N = 2825 (RD / Race Pairs)

Black	1306.785 ** 6.72	1306.794 ** 6.73	1306.797 ** 6.75
Hispanic	140.665 1.11	140.670 1.11	140.672 ** 1.11
Violent Crime Rate	8.443 ** 14.48	8.157 ** 12.69	8.170 ** 12.56
Property Crime Rate	0.985 ** 7.16	1.006 ** 7.25	0.964 ** 6.88
Percent Black	-3425.635 ** -9.28	-3060.892 ** -7.82	-2221.684 ** -4.73
Percent Hispanic	-1536.321 ** -7.1	-859.011 ** -2.83	-282.816 -0.81
Percent Under 24		-2387.874 ** -3.17	-1726.125 * -1.9
Percent Unemployed		480.987 0.4	427.007 0.35
Percent Poverty		66.660 0.11	83.513 0.1
Percent Property Owner			-159.489 -0.54
Percent Single Parent			-4681.954 ** -3.56
Percent Divorced			-175.408 -0.08
Constant Term			1603.474 3.9
R-squared	1055.277 9.82	1551.727 8.26	
	0.204	0.207	0.211

\*\* Significance > 99%, \* Significance > 95%

Disparities in citation rates of blacks and Hispanics controlling for crime rates, economic, and demographic characteristic. The numbers in the first two rows represent the estimated additional number of stops for blacks and Hispanics over whites, per 10,000 residents (and the corresponding T-statistic). The three columns represent regressions controlling for an increasing number of variables. The minimal change in the stop rates indicates that the disparities persist even when controlling for these additional variables.

2022.12.30

Table 7: Stop Rate Analysis of 942 Reporting Districts By Violent Crime Rate and By Minority (Black + Hispanic) Population (page 1 of 3)

	Rate of		Rate of		Rate of		Rate of	
	Population	Stops	Population	Stops	Population	Stops	Population	Stops
	Black		Black		Black		Black	
	Hispanic		Hispanic		Hispanic		Hispanic	
	White		White		White		White	
0 - 50	4,097	7,835	9,759	5,047	6,875	3,914	5,863	2,720
	11,405	4,957	31,648	2,980	33,610	2,109	33,833	1,540
	216,674	1,310	247,905	1,186	118,391	1,388	76,458	1,146
51 - 100	787	12,412	3,523	7,471	3,369	6,367	5,337	3,788
	2,205	5,619	9,008	4,477	11,347	4,117	30,355	2,009
	35,483	1,373	78,414	1,675	43,635	2,206	65,631	1,680
101 - 200	192	12,834	1,227	22,120	771	6,831	2,972	4,387
	554	8,302	3,028	14,257	1,132	6,265	11,178	2,916
	10,811	1,658	25,676	3,705	6,906	2,359	24,163	1,784
200-400	111	3,791	235	15,540	351	48,421	214	28,555
	175	4,461	888	11,158	1,110	18,026	896	8,134
	2,860	675	7,507	3,264	4,102	11,995	2,380	6,319
400-800	-	-	-	-	20	302,934	-	-
	-	-	-	-	62	75,472	-	-
	-	-	-	-	279	34,278	-	-
800+	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
% Hispanic								
* % Black	0-10%	10.1%-20%		20.1%-30%		30.1%-40%		

Table 7 (continued): Stop Rate Analysis of 942 Reporting Districts By Violent Crime Rate and By Minority (Black + Hispanic) Population (page 2 of 3)

	Rate of		Rate of		Rate of		Rate of	
	Population	Stops	Population	Stops	Population	Stops	Population	Stops
	Black		Black		Black		Black	
	Hispanic		Hispanic		Hispanic		Hispanic	
	White		White		White		White	
0 - 50	4,853	2,936	1,852	1,777	3,564	1,992	8,726	958
	28,081	1,529	25,907	869	32,386	1,135	57,086	1,102
	41,713	1,803	22,343	762	19,526	1,191	22,021	1,608
51 - 100	7,199	3,316	6,104	4,610	13,240	3,016	9,275	2,957
	40,182	1,768	70,249	1,612	127,044	1,326	136,287	1,106
	59,034	1,637	60,935	1,510	74,796	1,413	47,888	1,604
101 - 200	829	4,886	3,746	5,716	4,640	6,702	7,977	6,172
	5,748	3,041	26,735	2,301	13,689	2,924	41,737	2,685
	8,132	2,179	25,083	2,338	9,911	5,316	16,655	3,673
200-400	639	9,621	279	15,141	353	32,203	961	23,552
	2,178	3,241	531	15,191	5,316	3,685	7,773	5,592
	3,420	5,666	594	10,403	3,471	9,647	3,179	4,973
400-800	117	41,738	630	29,437	110	22,870	154	65,533
	334	26,667	2,251	8,850	1,158	3,005	101	81,960
	643	12,062	2,254	12,703	647	10,198	95	43,394
800+	96	38,571	1,792	37,485	-	-	2,070	38,353
	275	48,842	1,462	43,967	-	-	2,310	15,465
	529	14,322	2,482	14,959	-	-	1,685	9,458
% Hispanic								
* % Black	40.1%-50%		50.1%-60%		60.1%-70%		70.1%-80%	



Table 7 (continued): Stop Rate Analysis of 942 Reporting Districts By Violent Crime Rate and By Minority (Black + Hispanic) Population (page 3 of 3)

	Rate of Population Stops		Rate of Population Stops	
	Black Hispanic White		Black Hispanic White	
0 - 50	7,995 45,312 7,031	1,400 791 1,072	5,252 13,634 1,247	1,299 629 1,949
51 - 100	40,977 323,639 37,468	2,998 1,365 2,256	27,871 183,872 10,475	2,957 1,409 3,052
101 - 200	107,528 252,010 24,864	3,333 1,431 2,198	90,424 178,708 10,899	3,314 1,345 1,946
200-400	104,939 148,018 9,666	4,576 1,625 3,742	99,126 136,774 7,479	4,423 1,490 3,093
400-800	6,056 10,560 922	6,690 3,724 11,413	5,620 8,108 401	5,463 2,374 4,192
800+	104 584 124	88,052 15,067 26,019	- - -	- - -
% Hispanic				
* % Black		80.1%-90%	90.1%-100%	

**Figure 1: Race Effect Interacted with Neighbourhood Minority Composition. Controlling for Violent and Property Crime Rates, Percent Residents Under 24 Years, Unemployment and Poverty Rates**

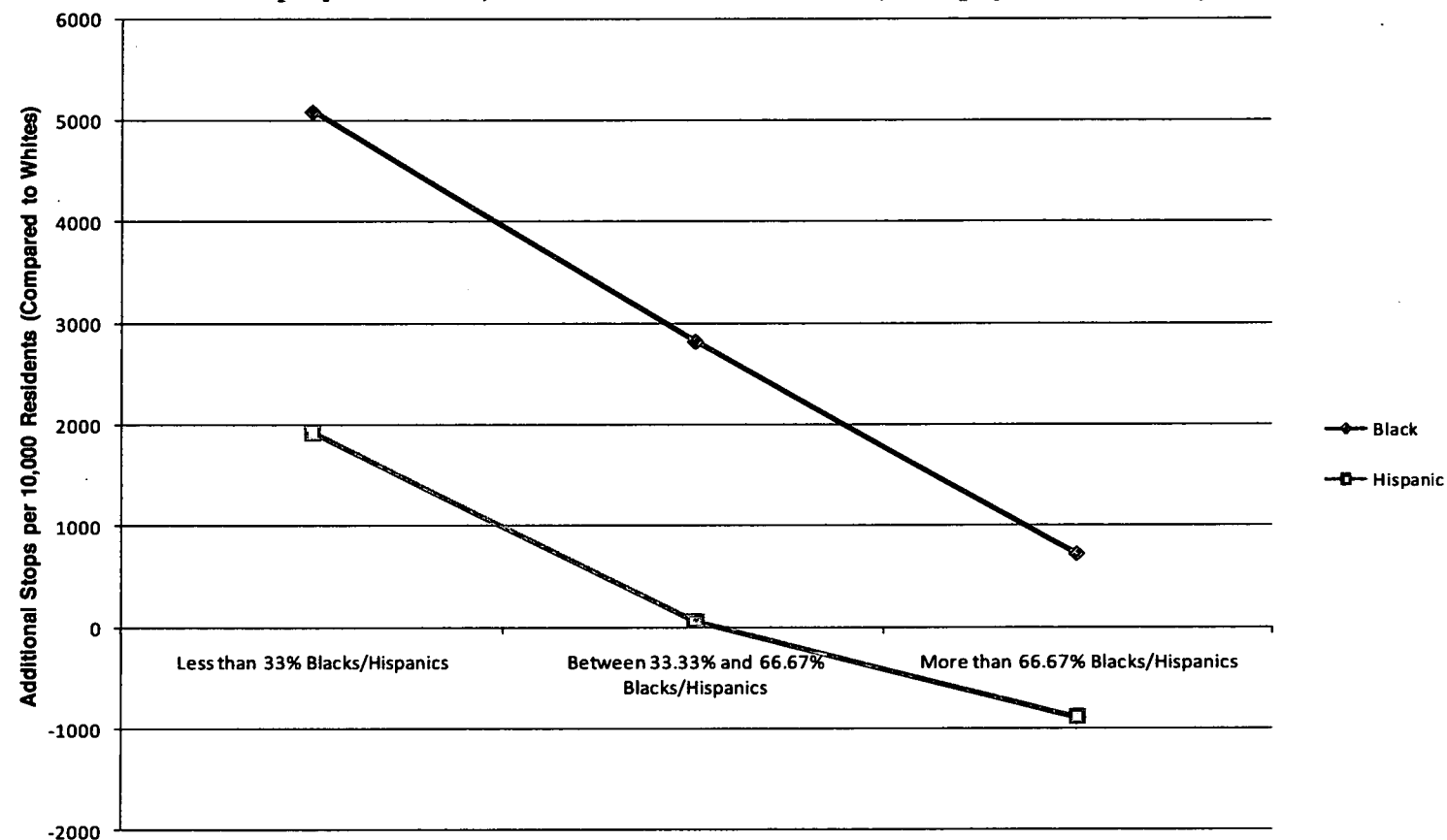


Table 8: Arrest Likelihood Given Stop				
Arrest Likelihood Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>	21.39% **	23.65% **	29.15% **	27.50% **
(T-statistic)	5.27	5.74	7.61	7.19
<b>Hispanic Effect</b>	28.53% **	29.73% **	32.35% **	32.60% **
(T-statistic)	11.68	12.09	16.49	16.25
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%				

Table 9: Citation Likelihood Given Stop				
Citation Likelihood Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>	-33.24% **	-30.61% **	-31.62% **	-29.83% **
(T-statistic)	-13.67	-12.28	-14.69	-13.4
<b>Hispanic Effect</b>	-0.18%	2.53%	4.77% **	5.61% **
(T-statistic)	-0.1	1.41	3.44	3.94
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%				

Table 10: Either Arrest or Citation Likelihood Given Stop				
Either Arrest or Citation Likelihood Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>	N/A	-20.94% **	-20.99% **	-19.87% **
(T-statistic)		-8.83	-10.09	-9.28
<b>Hispanic Effect</b>	N/A	11.35% **	14.18% **	13.79% **
(T-statistic)		6.5	10.57	10.07
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%				

Table 11: Arrest Likelihood Given Stop	
	Results
<b>Black Suspect/Non-Black Officer</b> (T-Statistic)	26.88% ** 17.31
<b>Black Suspect/Black Officer</b> (T-Statistic)	17.73% ** 6.15
<b>Hispanic Suspect/Non-Hispanic Officer</b> (T-Statistic)	31.07% ** 20.68
<b>Hispanic Suspect/Hispanic Officer</b> (T-Statistic)	24.52% ** 14.91
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%	

Table 12: Citation Likelihood Given Stop	
	Results
<b>Black Suspect/Non-Black Officer</b> (T-Statistic)	-24.98% ** -23.29
<b>Black Suspect/Black Officer</b> (T-Statistic)	-4.53% * -2.07
<b>Hispanic Suspect/Non-Hispanic Officer</b> (T-Statistic)	10.15% ** 8.51
<b>Hispanic Suspect/Hispanic Officer</b> (T-Statistic)	12.41% ** 8.9
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%	

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Table 13: Frisk Likelihood Given Stop				
Frisk Likelihood Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>	105.85% **	104.24% **	126.64% **	119.87% **
(T-statistic)	22.1	21.75	28.56	27.17
<b>Hispanic Effect</b>	44.36% **	43.42% **	42.94% **	42.72% **
(T-statistic)	18.71	18.31	24.69	23.94
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient				

Table 14: Likelihood of Police Request to Search Given Stop				
Likelihood of Police Request to Search Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>	51.18% **	50.68% **	76.36% **	70.04% **
(T-statistic)	9.57	9.45	14.52	13.45
<b>Hispanic Effect</b>	3.96%	4.38%	15.95% **	15.99% **
(T-statistic)	1.54	1.7	7.62	7.55
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient				
** Significance > 99%, * Significance > 95%				

Table 15: Likelihood of Non-Consensual Search Given Stop				
Likelihood of Non-Consensual Search Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>	N/A	85.37% **	80.65% **	78.08% **
(T-statistic)		19.15	20.28	19.7
<b>Hispanic Effect</b>	N/A	95.07% **	76.77% **	75.13% **
(T-statistic)		36.62	39.85	38.66
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient				
** Significance > 99%, * Significance > 95%				

Table 16: Likelihood of Request to Exit Vehicle, Given Stop				
Likelihood of Request to Exit Vehicle, Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>		163.375% **	165.911% **	
(T-statistic)		21.08	23.41	
<b>Hispanic Effect</b>		157.241% **	131.909% **	
(T-statistic)		40.49	45.33	
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%				

Table 17: Likelihood of Arrest, Excluding Warrant, Violent and DUI, Given Stop				
Likelihood of Arrest, Excluding Warrant, Violent and DUI, given stop.	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>		2.110%	13.710% *	
(T-statistic)		0.5	3.42	
<b>Hispanic Effect</b>		15.224% **	21.399% **	
(T-statistic)		5.59	9.85	
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%				

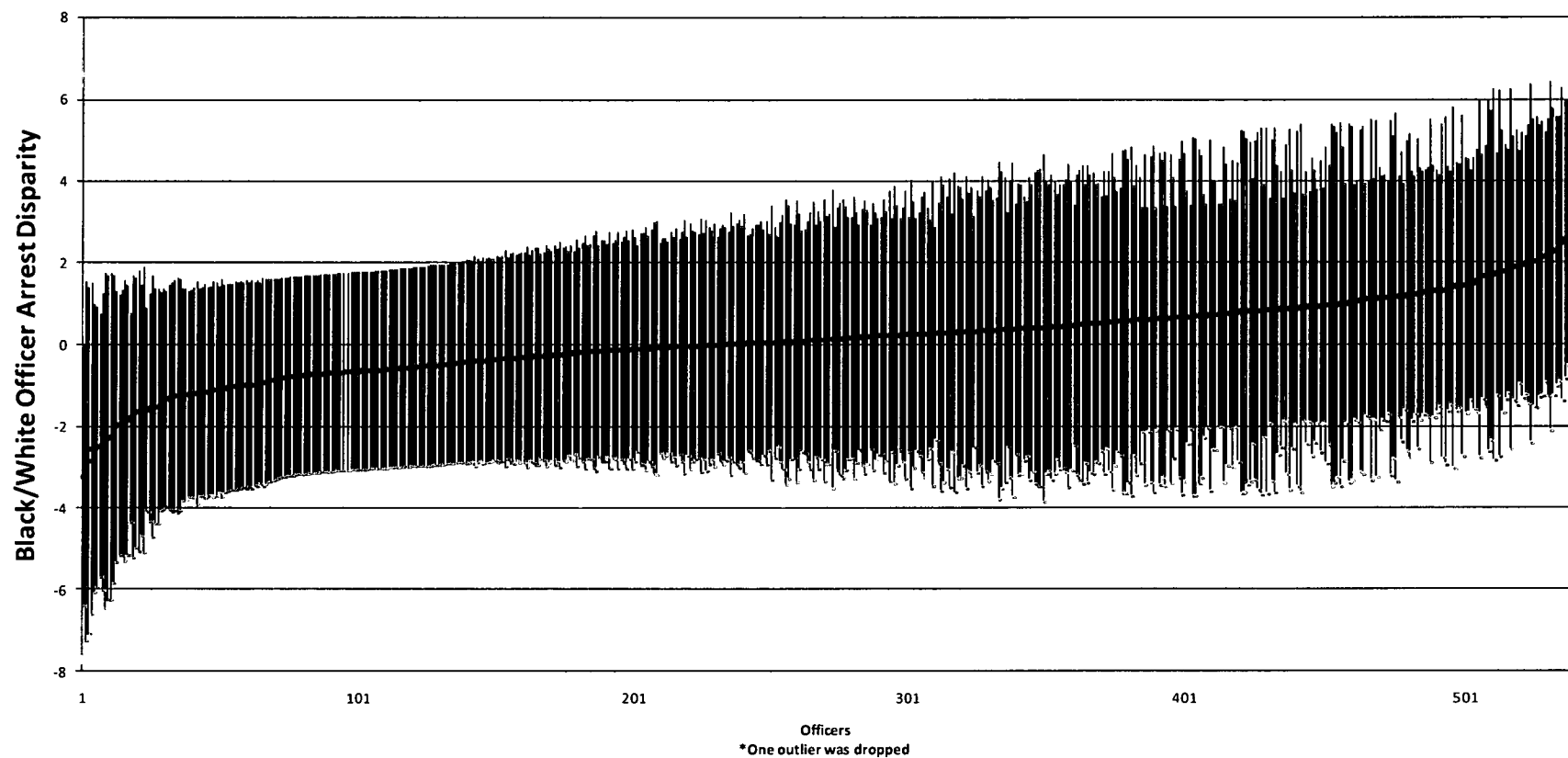
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Table 18: Likelihood of Citation, Excluding Lower Discretion Citation and Suspended Licence, Given Stop				
Likelihood of Citation, Excluding Lower Discretion Citation and Suspended Licence, Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>		-35.726% **	-36.664% **	
(T-statistic)		-14.98	-17.89	
<b>Hispanic Effect</b>		-9.875% **	-6.840% **	
(T-statistic)		-5.89	-5.3	
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%				

Table 19: Likelihood of Higher Discretion Search, Given Stop				
Likelihood of Higher Discretion Search, Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer
<b>Black Effect</b>		83.600% **	105.906% **	
(T-statistic)		11.72	15.33	
<b>Hispanic Effect</b>		10.027% **	12.343% **	
(T-statistic)		3.1	4.85	
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%				

Table 20: Likelihood of Request to Exit Vehicle, Excluding Violent Arrests, Given Stop				
Likelihood of Request to Exit Vehicle, Excluding Violent Arrests, Given Stop	Replication Model	Unrestricted Model	No Officer Attributes	RD Fixed Effects, No Officer Characteristics
<b>Black Effect</b>		163.369% **	165.847% **	
(T-statistic)		21.07	23.39	
<b>Hispanic Effect</b>		157.396% **	132.072% **	
(T-statistic)		40.48	45.35	
Percentage Race Effects are 1 - Odds Ratio for the Recomposed Coefficient ** Significance > 99%, * Significance > 95%				

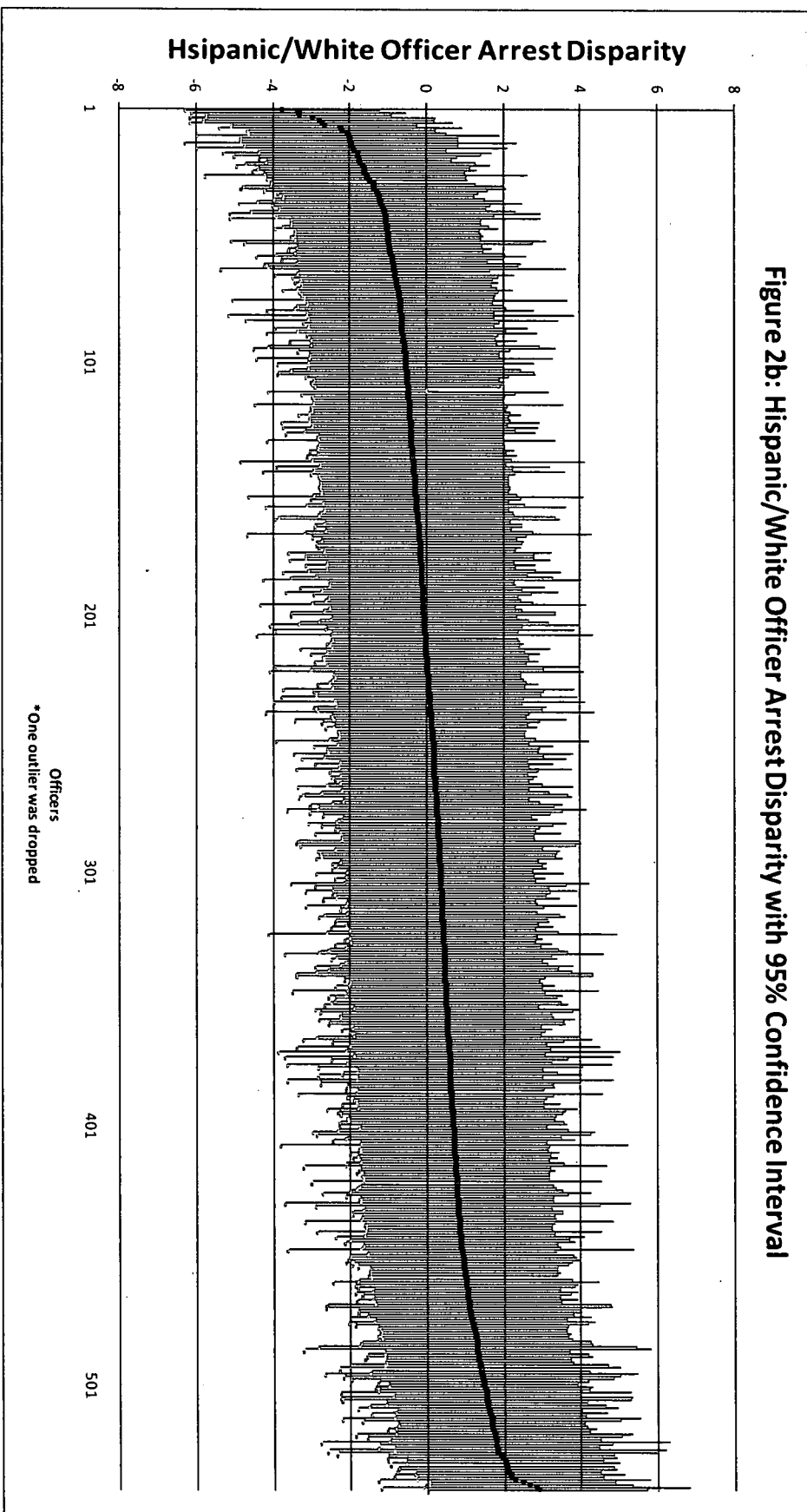
Figure 2a: Black/White Officer Arrest Disparity with 95% Confidence Interval





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Figure 2b: Hispanic/White Officer Arrest Disparity with 95% Confidence Interval



**Figure 3: Positive Correlation Between Black/White Officer Arrest Disparity and Hispanic/White Arrest Disparity**

$$y = 0.6429x + 0.0092$$

$$R^2 = 0.4013$$

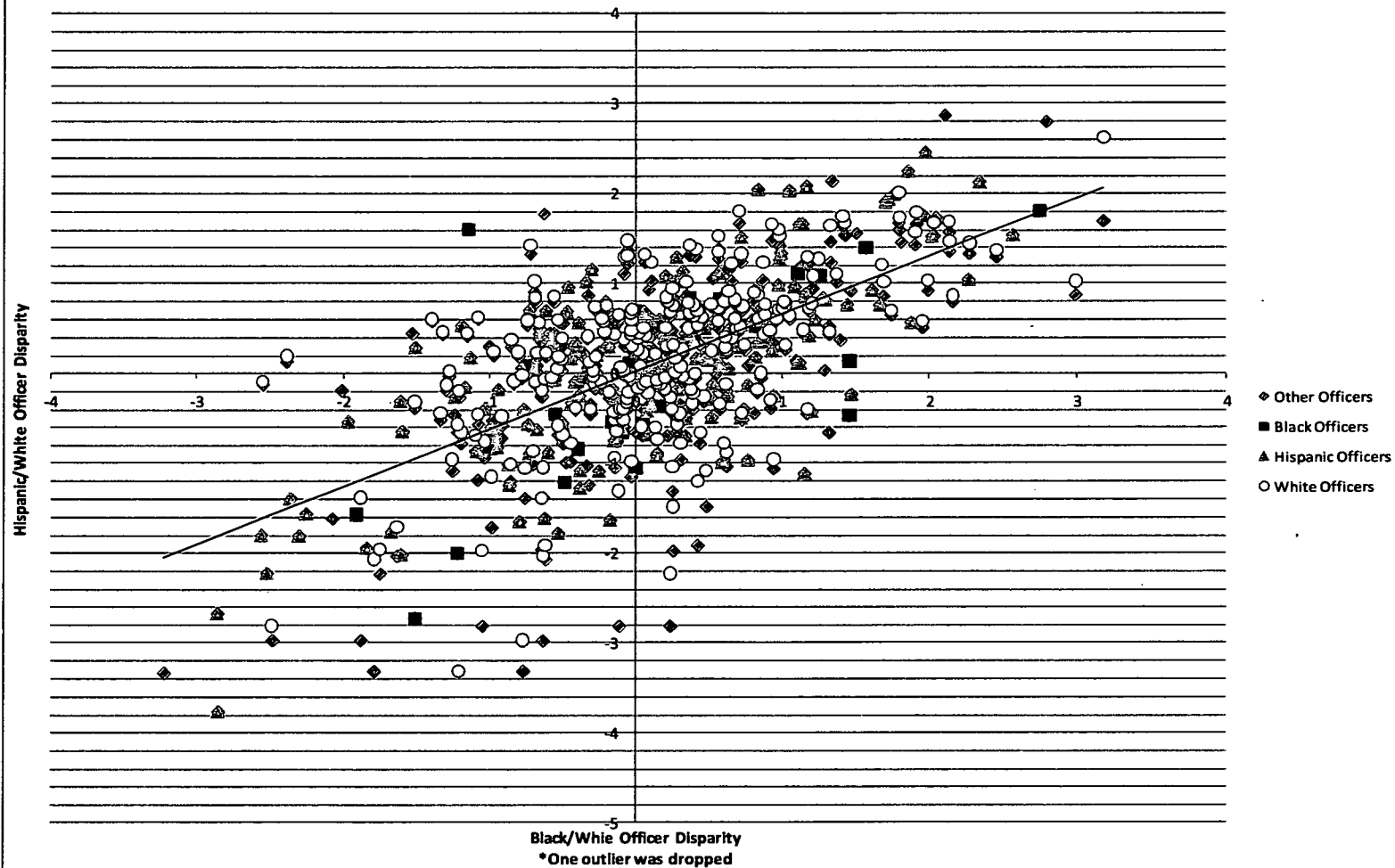


Table 21: 2nd Stage Black Officer Effects N = 540			
	Black Restricted2	Black Restricted1	Black Full
Black	-0.093 -0.48	-0.090 -0.46	-0.091 -0.47
Hispanic	-0.147 -1.60	-0.147 -1.60	-0.116 -1.27
Asian	-0.130 -0.93	-0.122 -0.87	-0.073 -0.52
American Indian	0.411 -1.00	0.449 -1.09	0.336 -0.82
Count of Complaints Against Officer		0.015 -1.00	0.014 -0.92
Count of Major Commendations Received by Officer		0.388 * 2.45	0.353 * 2.22
Officer Male		0.012 -0.08	-0.082 -0.58
Officer's Age			0.016 -1.66
Number of Months of Service for Officer			-0.004 -1.68
Number of Months of Service for Officer Squared			0.000 -1.14
Officer Assignment- Other			0.165 -0.35
Officer Assignment- Traffic			0.376 ** 3.41
Constant Term	0.337 ** 5.79	0.263 -1.88	-0.085 -0.28
R-squared	0.010	0.020	0.050

\*\* Significance > 99%, \* Significance > 95%

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Table 22: 2nd Stage Hispanic Officer Effects N = 540			
	Black Restricted2	Black Restricted1	Black Full
Black	-0.278 -1.48	-0.261 -1.39	-0.285 -1.58
Hispanic	-0.123 -1.39	-0.123 -1.40	-0.104 -1.22
Asian	-0.019 -0.14	-0.020 -0.15	0.039 -0.30
American Indian	0.087 -0.22	0.120 -0.30	-0.008 -0.02
Count of Complaints Against Officer		0.005 -0.38	0.004 -0.31
Count of Major Commendations Received by Officer		0.394 ** 2.59	0.305 * 2.06
Officer Male		0.047 -0.35	-0.120 -0.91
Officer's Age			0.009 -1.03
Number of Months of Service for Officer			0.000 -0.18
Number of Months of Service for Officer Squared			0.000 -1.50
Officer Assignment- Other			-0.231 -0.52
Officer Assignment- Traffic			0.620 ** 6.05
Constant Term	0.309 ** 5.53	0.227 -1.68	-0.032 -0.11
R-squared	0.010	0.020	0.110

\*\* Significance > 99%, \* Significance > 95%

06/21/2014

Table 23: Frisk: Likelihood that a Weapon Found			
	Race Only	Controlling for Stop Characteristics	Controlling for Stop Characteristics and RD Characteristics
<b>Black Effect</b>	-42.272% **	-39.858% **	-38.359% **
(T-statistic)	-6.33	-5.12	-4.80
<b>Hispanic Effect</b>	-31.812% **	-28.209% **	-24.092% **
(T-statistic)	-4.69	-3.83	-3.14
Percentage Race Effects are 1 - Odds Ratio for the Race Coefficient. Searches that are incident to either arrest or vehicle impound are excluded. ** Significance > 99%, * Significance > 95%			

Table 24: Frisk: Likelihood that Drugs Found			
	Race Only	Controlling for Stop Characteristics	Controlling for Stop Characteristics and RD Characteristics
<b>Black Effect</b>	-25.353% **	-2.353%	-3.828%
(T-statistic)	-7.09	-0.52	-0.84
<b>Hispanic Effect</b>	-38.156% **	-35.582% **	-33.635% **
(T-statistic)	-11.67	-10.07	-9.18
Percentage Race Effects are 1 - Odds Ratio for the Race Coefficient. Searches that are incident to either arrest or vehicle impound are excluded. ** Significance > 99%, * Significance > 95%			

Table 25: Frisk: Likelihood that Anything Else Found			
	Race Only	Controlling for Stop Characteristics	Controlling for Stop Characteristics and RD Characteristics
<b>Black Effect</b>	-32.754% **	-2.177%	-1.749%
(T-statistic)	-11.49	-0.57	-0.45
<b>Hispanic Effect</b>	-15.133% **	-0.853%	1.761%
(T-statistic)	-5.03	-0.25	0.50
Percentage Race Effects are 1 - Odds Ratio for the Race Coefficient. Searches that are incident to either arrest or vehicle impound are excluded. ** Significance > 99%, * Significance > 95%			

2024-11-28

**Table 26: Consent Search Request: Likelihood that a Weapon Found**

	Race Only	Controlling for Stop Characteristics	Controlling for Stop Characteristics and RD Characteristics
<b>Black Effect</b>	-36.975% **	-39.110% **	-36.318% **
(T-statistic)	-3.98	-3.75	-3.35
<b>Hispanic Effect</b>	-32.828% **	-32.650% **	-28.115% **
(T-statistic)	-3.60	-3.36	-2.76

Percentage Race Effects are 1 - Odds Ratio for the Race Coefficient. Searches that are incident to either arrest or vehicle impound are excluded.

\*\* Significance > 99%, \* Significance > 95%

**Table 27: Consent Search Request: Likelihood that Drugs Found**

	Race Only	Controlling for Stop Characteristics	Controlling for Stop Characteristics and RD Characteristics
<b>Black Effect</b>	-23.669% **	-3.439%	-4.520%
(T-statistic)	-5.64	-0.65	-0.84
<b>Hispanic Effect</b>	-34.294% **	-30.474% **	-27.800% **
(T-statistic)	-8.86	-7.28	-6.41

Percentage Race Effects are 1 - Odds Ratio for the Race Coefficient. Searches that are incident to either arrest or vehicle impound are excluded.

\*\* Significance > 99%, \* Significance > 95%

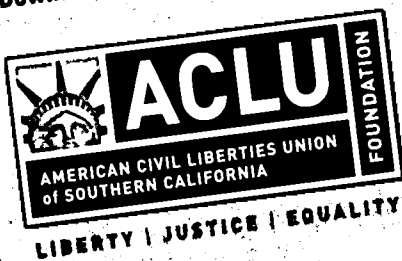
**Table 28: Consent Search Request: Likelihood that Anything Else Found**

	Race Only	Controlling for Stop Characteristics	Controlling for Stop Characteristics and RD Characteristics
<b>Black Effect</b>	-25.400% **	-6.654%	-5.557%
(T-statistic)	-6.83	-1.41	-1.16
<b>Hispanic Effect</b>	-12.256% **	-4.318%	0.345%
(T-statistic)	-3.21	-1.03	0.08

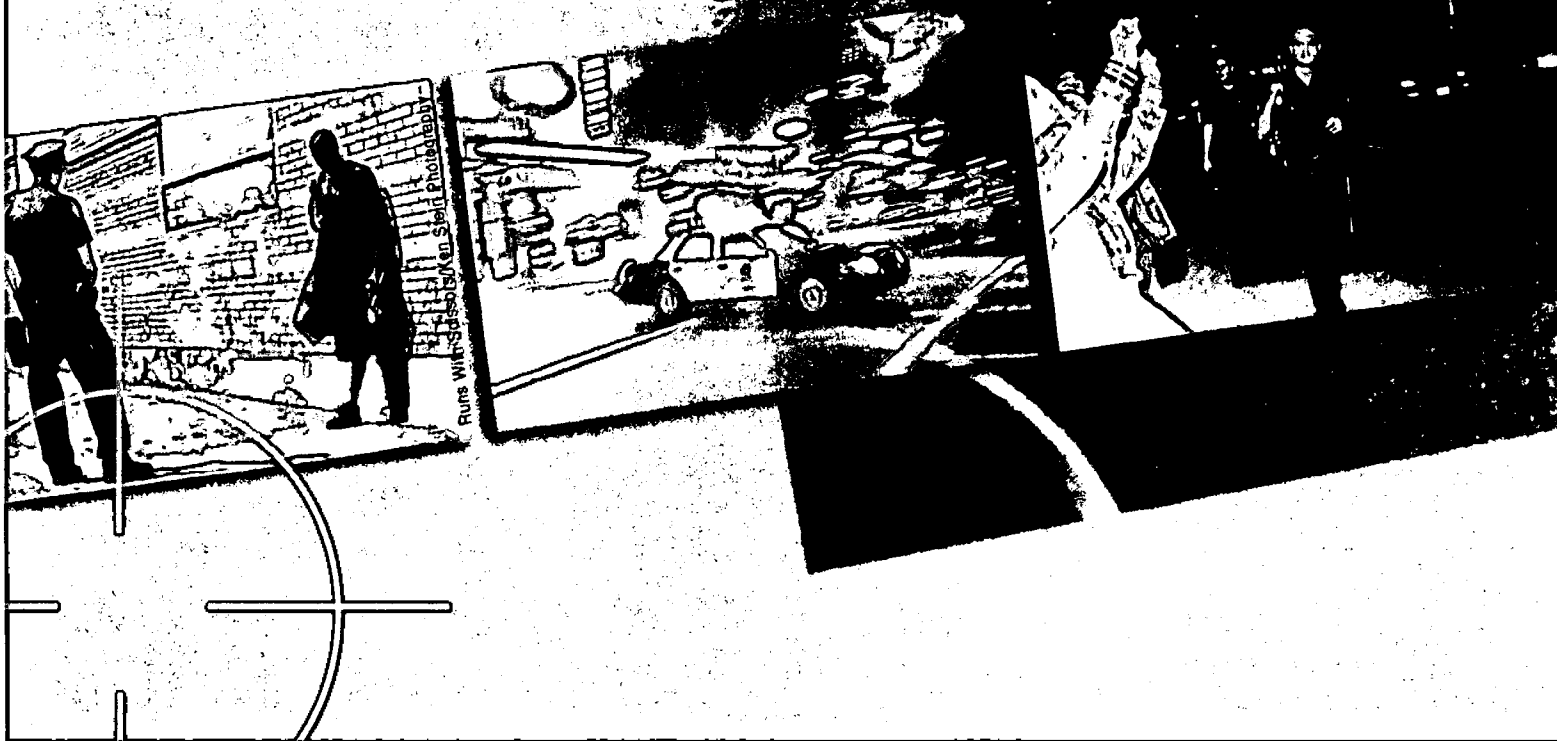
Percentage Race Effects are 1 - Odds Ratio for the Race Coefficient. Searches that are incident to either arrest or vehicle impound are excluded.

\*\* Significance > 99%, \* Significance > 95%

Download a copy of this report at <http://www.aclu-sc.org/lapdracialprofiling>



ACLU of Southern California  
1313 West Eighth Street, LA, CA 90017  
(213) 977-9500  
<http://www.aclu-sc.org>

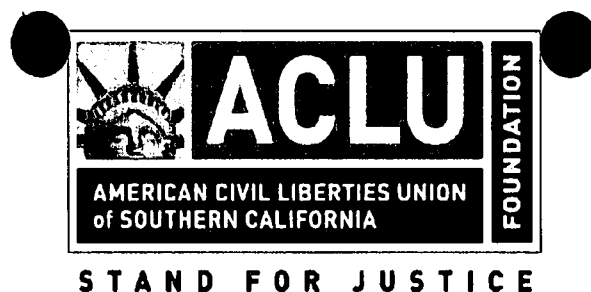


8642142817



# EXHIBIT Z

06/21/2014



October 9, 2014

Los Angeles Police Department  
Discovery Section  
201 N. Los Angeles St., Space 301  
Los Angeles, CA 90012

*Via certified mail*

To Whom It May Concern:

The American Civil Liberties Union of Southern California (ACLU-SC) submits this request under the California Public Records Act, *see* Cal. Gov. Code § 6250, *et seq.*, for records related to stop data collected by Los Angeles Police Department ("LAPD") officers. We filed a similar request dated December 21, 2012, regarding potential issues of racial profiling, and the use of "stop and frisk" tactics, including demographic information about persons subjected to stops and searches, information regarding whether frisks and searches resulted in the discovery of illegal activity, and any information regarding the Department's purpose in utilizing or encouraging stop and frisk, as well as the Department's analysis of the effectiveness of officers' patterns of stops and searches, and their effectiveness. In response, the department provided stop data up to May 13, 2014. We now request updated information from May 13, 2013 to the date of the Department's response.

We therefore request the following records; if they are stored in electronic format, we ask that they be produced in electronic format. *See* Cal. Gov. Code § 6253.9(a). To the extent that parts of this request are unclear to you, and to the extent that you believe the requests below do not identify all records responsive to the purpose of our inquiry, we request your assistance "to identify records and information that are responsive to the request or to the purpose of the request." *See* Cal. Gov. Code § 6253.1(a).

A. All records reflecting the field data collected for all stops citywide from May 13, 2013 to June 30, 2014, including but not limited to records reflecting:

1. The circumstances of the stop: e.g., whether pedestrian, driver of a vehicle, or passenger of a vehicle
2. Location of stop: e.g., address, intersection, reporting district
3. Demographics of person stopped: e.g., age, gender, race/ethnicity
4. Initial reason for the stop: e.g., vehicle code violation or other reasons
5. Whether the driver exited the vehicle
6. Whether the driver was asked to exit the vehicle
7. Whether a pat-down frisk was conducted
8. The basis for the pat-down, if recorded
9. Whether a warrantless search was conducted

10. If so, the basis for conducting that search
11. If the search was conducted, whether anything was discovered/seized
12. If so, what was discovered
13. What action, if any, was taken as the result of the stop (warning, citation, arrest, field interview card completed, or no action) and whether the person was booked or released from custody
14. Unique ID of the officer conducting the stop
15. Unique ID of the partner officer (if any) of officer that conducted the stop

Because we are a non-profit organization, we request a waiver of any fees applicable to this request. However, if that is not possible, we ask that you contact us if you expect the total fees to exceed \$50.

We look forward to your response within 10 business days as required by law. *See* Cal. Gov. Code § 6253(c). Should you have any questions, please feel free to call me at (213) 977-5295 or e-mail me at [pbibring@aclu-sc.org](mailto:pbibring@aclu-sc.org). Responsive records should be mailed to me at 1313 W. 8th St, Los Angeles, CA 90017.

Thank you for your time.

Sincerely,



Peter Bibring  
Director of Police Practices



LIBERTY | JUSTICE | EQUALITY

2011.07.14

06-11-1814

# EXHIBIT AA

06/21/2014

# LOS ANGELES POLICE DEPARTMENT

**CHARLIE BECK**  
Chief of Police



**ERIC GARCETTI**  
Mayor

P. O. Box 30158  
Los Angeles, California 90030  
Telephone: (213) 978-2100  
TDD: (877) 275-5273  
Reference Number: 14.4

May 11, 2015

Mr. Peter Bibring  
American Civil Liberties Union of Southern California  
1313 West Eighth Street  
Los Angeles, California 90017

Dear Mr. Bibring:

I have reviewed your California Public Records Act (the Act) request to the Los Angeles Police Department (the Department) for STOPS data for the period of May 13, 2013 through September 30 2014.

The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

Staff of the Department's Application Development and Support Division has compiled data responsive to your request. Each report includes the following:

STOP form reference number, STOP type, gender and descent of individual(s) stopped; the date and time of the STOP; Officer No. 1's Serial Number (fictitious) and division of assignment followed by the same data for Officer No. 2; the Reporting District (location) of the STOP; and, if there was post-STOP activity.

I am responding to your 15 requests as follows:

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER  
[www.LAPDOnline.org](http://www.LAPDOnline.org)  
[www.joinLAPD.com](http://www.joinLAPD.com)

Mr. Peter Bibring

Page 2

14.4

**Item No. 1**

**The circumstances of the stop: e.g., whether pedestrian, driver of a vehicle or passenger in a vehicle**

The Type of stop (vehicle or pedestrian) provides the information available regarding the circumstances of the stop. When a vehicle is the source of the stop, details regarding the driver or passenger are not maintained in the database.

**Item No. 2**

**Location of stop: address, intersection, Reporting District**

Reporting District (RPT\_DIST\_NBR) is the most specific level of location information available.

**Item No. 3**

**Demographics of person stopped: e.g., age, gender, and race/ethnicity**

Demographics of persons stopped are found in columns D (Gender) and E (Descent).

**Item No. 4**

**Initial reason for the stop**

**Item No. 5**

**Whether the driver exited the vehicle**

**Item No. 6**

**Whether the driver was asked to exit the vehicle**

**Item No. 7**

**Whether a pat-down frisk was conducted**

**Item No. 8**

**The basis for the pat-down, if recorded**

**Item No. 9**

**Whether a warrantless search was conducted**

**Item No. 10**

**If so, the basis for conducting the search**

**Item No. 11**

**If the search was conducted, was anything discovered/seized**

**Item No. 12**

**If so, what was discovered**

107.12.136

Mr. Peter Bibring

Page 3

14.4

In regard to Items No. 4-12, your request for specific information describing the details of each incident, I am unable to provide any records because the Department does not capture those details in the STOPS database.

**Item No. 13**

**What action, if any, was taken as a result of the stop (e.g., warning, citation, arrest, field interview card completed or no action) and whether the person was booked or released from custody**

The information available regarding post-stop activity is limited to whether or not any activity occurred.

**Item No. 14**

**Unique ID of the officer conducting the stop**

**Item No. 15**

**Unique ID of the partner officer (if any)**

Regarding Items No. 14 and 15, to the extent that we understand that you are seeking information maintained in the personnel files of the involved officers, these files and the information contained within are exempt from disclosure per California Government Code Sections 6254(c) and 6254(k). Section 6254(c) exempts from disclosure "Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy." Section 6254(k) further exempts from disclosure records that are exempt or prohibited from disclosure pursuant to federal or state law, including, but not limited to provisions of the Evidence Code relating to privilege. According to California Penal Code Section 832.7 *et. seq.*, peace officer personnel files and information contained within those files are confidential and cannot be disclosed except through discovery pursuant to Sections 1043 and 1045 of the California Evidence Code. (See Penal Code Sections 832.5 and 832.7 and Evidence Code Sections 1043 and 1045). California case law holds that Evidence Code Section 1043 *et. seq.* is the exclusive means to obtain peace officer personnel records, and as such, they are exempt from the disclosure provisions of the California Public Records Act (See *City of Hemet V. Superior Court* (1995) 37 Cal. App. 4<sup>th</sup> 1411). Therefore, in accordance with the confidentiality/privilege provisions set forth above, the officers' unique identifier, their Serial Numbers, as provided are fictitious.

Upon receipt of payment of the processing fee of \$5.00, I will provide you with a copy of the reports prepared in Microsoft Excel 2010. Please submit a check or money order, made payable to the LAPD, in the amount of \$5.00 along with a copy of this correspondence to the Los Angeles Police Department - Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012.

2025-10-10 10:10:10



Mr. Peter Bibring

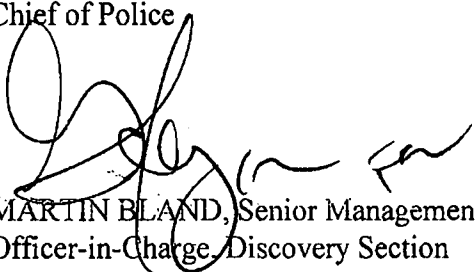
Page 4

14.4

If you have any questions regarding this correspondence, please contact Senior Management Analyst Jan Kuris Doherty of the Discovery Section at (213) 978-2144.

Very truly yours,

CHARLIE BECK  
Chief of Police

  
MARTIN BLAND, Senior Management Analyst  
Officer-in-Charge, Discovery Section  
Legal Affairs Division

replied  
July 26

66-1117-36

06/21/2014

# **EXHIBIT BB**

970717136



November 3, 2016

*VIA ELECTRONIC MAIL*

Discovery Section  
Los Angeles Police Department  
discovery@lapd.lacity.org  
(213) 978-2100

To Whom It May Concern:

I write on behalf of the American Civil Liberties Union of Southern California ("ACLU") to request the release of public records from the Los Angeles Police Department ("LAPD") pursuant to the California Public Records Act ("CPRA"), California Government Code Sections 6250 to 6270 and article 1 section 3(b) of the California Constitution.

I request the following records, regardless of who wrote them:

- 1) Any log or other documents sufficient to show the total number of CPRA requests LAPD has received since November 3, 2011, and with respect to each of those requests:
  - (a) the date on which LAPD received the request;
  - (b) the dates on which LAPD sent any interim responses and/or a final determination about the request;
  - (c) whether LAPD sent written notice of an extension to the 10-day time limit to make a determination;
  - (d) whether the request was given any sort of priority status;
  - (e) whether each request was ultimately granted or denied; and
  - (f) the name of the requestor.
- 2) Any log or other documents sufficient to show whether any CPRA requests LAPD has received since November 3, 2011 resulted in litigation.
- 3) Any log or other documents sufficient to show the dates on which the 10 oldest, currently outstanding CPRA requests were received.
- 4) All records documenting or discussing the LAPD's policies regarding CPRA requests, including policies dealing with how LAPD reviews requests, makes determinations, and sends responses. This request includes and is not limited to internal policies and protocols, office memoranda, guidelines, operational manuals, training materials, directions, instructions, and any other document that sets forth the policies.

All records requested above are subject to the CPRA because the CPRA applies to "any writing containing information relating to the conduct of the public's business prepared, owned, used, or

**Executive Director** Hector O. Villagra

**President** Antonio Brown **Vice President** Shakeel Syed **Secretary** T.J. Hill **Treasurer** Karriann Hinds **Affirmative Action Officer** Isabelle Gunning  
**National Board Representative** Connie Tcheng

retained by any state or local agency regardless of physical form or characteristics,"<sup>1</sup> unless a specific statutory exemption applies.<sup>2</sup> To the extent that you believe any requested records may be lawfully withheld, please identify specific grounds justifying withholding those records in your response. If specific portions of any document are exempt from disclosure, please provide the non-exempt portions.<sup>3</sup>

If the information requested is stored in electronic format, I ask that it be produced in electronic format.<sup>4</sup> Throughout these requests, the term "records" includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas and minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes or other similar materials.

Because the ACLU is a nonprofit public interest organization, I request a waiver of any fees applicable to this request. However, if that is not possible, I ask that you contact me if you expect the total fees to exceed \$50.

I look forward to your response to this request within the next ten days, either by providing the requested records or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request.<sup>5</sup> To assist with the prompt release of responsive material, I ask that you make records available to me as you locate them, rather than waiting until all responsive records have been collected and copied.

Should you have any questions, please feel free to call me at (213) 977-5204 or email me at [awong@aclusocal.org](mailto:awong@aclusocal.org)

Thank you for your time.

Sincerely,



Adrienna Wong  
Staff Attorney

---

<sup>1</sup> Cal. Gov. Code § 6252(e).

<sup>2</sup> See Cal. Gov. Code § 6255.

<sup>3</sup> See Cal. Gov. Code § 6253(a).

<sup>4</sup> See Cal. Gov. Code § 6253.9(a).

<sup>5</sup> See Cal. Gov. Code § 6255.

961117101

EXHIBIT

CC

# EXHIBIT CC

96-21-2014

## Adrienna Wong

---

**From:** DISCOVERY DISCOVERY <DISCOVERY@lapd.lacity.org>  
**Sent:** Thursday, November 3, 2016 4:46 PM  
**To:** Adrienna Wong  
**Subject:** Re: Public Records Request (Request for records)

Your request has been received by the Discovery Section and will be assigned to a staff member for a response. If you have any questions, please call (213) 978-2100 for assistance.

Thank you.

Los Angeles Police Department  
Legal Affairs Division  
Discovery Section

>>> Adrienna Wong <AWong@ACLUSOCAL.ORG> 11/03/16 15:26 >>>

Please see attached public records request submitted on behalf of the ACLU of Southern California.

Thank you,

Adrienna Wong, Staff Attorney  
ACLU Foundation of Southern California  
(o) 213.977.9500 ext. 204

aclusocal.org<<http://www.aclusocal.org/>> || facebook<<https://www.facebook.com/ACLU.SoCal>> ||  
twitter<[https://twitter.com/Adrienna\\_W](https://twitter.com/Adrienna_W)> || blog<<https://www.aclusocal.org/blog/>>

The ACLU: Stand for Justice

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

11/03/16



06-11-2011

EXHIBIT DD

# EXHIBIT DD

7107.11.26



STAND FOR JUSTICE

February 8, 2017

*VIA ELECTRONIC MAIL*

Discovery Section  
Los Angeles Police Department  
discovery@lapd.lacity.org  
(213) 978-2100

Re: Public Records Act Request

To Whom It May Concern,

Pursuant to the California Public Records Act, Gov't Code §§ 6250 et seq., and the California Constitution, Cal. Const. Art. I, § 3(b), I write to request all records<sup>1</sup> pertaining to the arrest of Alberto Tellez which took place in Los Angeles, CA on September 4, 2016.

The records we request include but are not limited to any arrest report, arrest disposition, booking record, charging or rejection of charges record, belt recording, dashboard camera recording, or video-recording of any station interview related to Mr. Tellez's above-referenced arrest. We specifically request that you provide us with the information you are required to disclose pursuant to Gov't Code § 6254(f)(1) (time and date of arrest, time and date of booking, location of arrest, factual circumstances surrounding the arrest, amount of bail set, time and manner of release, and all charges).

Please respond to this request within ten days, as is your obligation under Gov't Code § 6253. To the extent that your agency claims the right to withhold the records we request, or any portion of them, please describe what is being withheld and the claimed reason for exemption, citing the exact language of the Public Records Act and the legal authority on which you rely. If portions of any records are exempt from disclosure, please provide the non-exempt portions.

If possible, please provide the records in electronic format, rather than paper format, pursuant to Gov't Code § 6253.9. You may e-mail to me any records available in electronic format to avoid copying costs. Because the ACLU is a nonprofit public interest organization, I request that you waive any fees. No part of the information obtained will be sold for profit.

<sup>1</sup> Our request for records encompasses all "writings," as that term is defined in Gov't Code § 6252(e): "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."

If I can provide any information that will help expedite your response, please do not hesitate to contact me at (213) 977-9500 ext. 2014 or [awong@aclusocal.org](mailto:awong@aclusocal.org). Thank you in advance for your prompt attention to this request.

Sincerely,



Adrienna Wong  
Staff Attorney  
ACLU of Southern California



LIBERTY | JUSTICE | EQUALITY

10077798

861211201

# EXHIBIT EE

95-214201

## Adrienna Wong

---

**From:** Discovery <discovery@lapd.online>  
**Sent:** Thursday, February 9, 2017 6:42 AM  
**To:** Adrienna Wong  
**Subject:** RE: PRA request

Hello,

For all requests, a turnaround time frame takes 4 to 8 weeks.

Just an FYI.

Thank you,  
Discovery – Legal Affairs LAPD

---

**From:** Adrienna Wong [mailto:AWong@ACLUSOCAL.ORG]  
**Sent:** Wednesday, February 08, 2017 5:03 PM  
**To:** Discovery <discovery@lapd.online>  
**Subject:** PRA request

Please find attached a public records request. We look forward to receiving your response within 10 days, as required by statute.

Adrienna Wong, Staff Attorney  
ACLU Foundation of Southern California  
(o) 213.977.9500 ext. 204

[aclusocal.org](http://aclusocal.org) || [facebook](https://www.facebook.com/aclu.socal) || [twitter](https://twitter.com/aclu_socal) || [blog](http://blog.aclusocal.org)

### The ACLU: Stand for Justice

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20170209

1 PETER BIBRING (State Bar No. 223981)  
pbibring@aclusocal.org

2 ADRIENNA WONG (State Bar No. 282026)  
awong@aclusocal.org

3 ACLU FOUNDATION OF SOUTHERN CALIFORNIA  
1313 West Eighth Street  
4 Los Angeles, California 90017  
Telephone: (213) 977-9500  
5 Facsimile: (213) 977-5299

6 DAVID A. SCHULZ, *pro hac vice*  
david.schulz@lskslaw.com

7 JOHN LANGFORD, *pro hac vice*  
john.langford@ylsclinics.org

8 Allison Douglass, law student intern  
Brandon Sadowsky, law student intern  
9 Regina Wang, law student intern

MEDIA FREEDOM AND INFORMATION ACCESS CLINIC  
10 P.O. Box 208215  
New Haven, Connecticut 06520  
11 Telephone: (203) 432-9387  
Facsimile: (203) 432-3034  
12

13 *Attorneys for Petitioners*

14  
15 **SUPERIOR COURT OF CALIFORNIA**  
16 **COUNTY OF LOS ANGELES**

17 ALI WINSTON, an individual; KELLY LYTLE  
HERNANDEZ, an individual; SHAWN NEE, an  
18 individual; AMERICAN CIVIL LIBERTIES UNION  
OF SOUTHERN CALIFORNIA,

19  
20 *Petitioners and Plaintiffs,*

21 *v.*

22 LOS ANGELES POLICE DEPARTMENT,

23 *Respondent and Defendant.*  
24

CASE NO. BS 169474

**CORRECTED VERIFIED PETITION  
FOR WRIT OF MANDATE AND  
COMPLAINT FOR DECLARATORY  
AND**

**INJUNCTIVE RELIEF**  
(Code of Civ. Proc. §§ 526a, 1060,  
1085; Gov't Code 6250 *et seq.*)